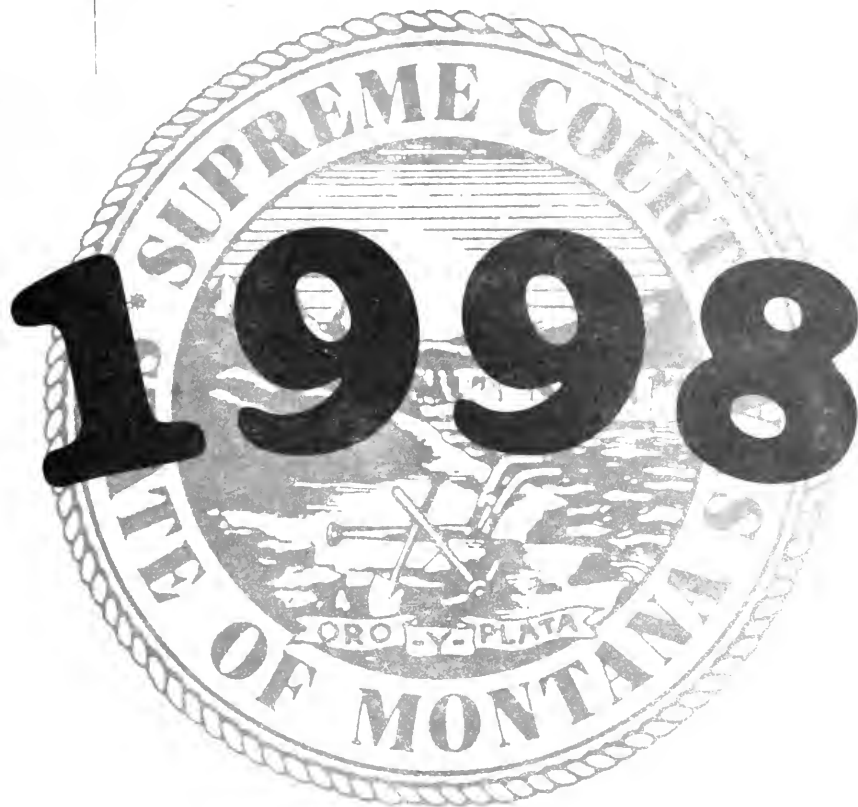


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Annual Report of the Montana Judiciary

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1998 Annual Report of the Montana Judiciary

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Honorable Chief Justice J. A. Turnage
Montana Supreme Court

STATE OF THE JUDICIARY ADDRESS
CHIEF JUSTICE J. A. TURNAGE
March 2, 1999

Speaker Mercer, President Crippen, leaders of the Democrat and Republican parties of the House and Senate, members and staff of the 56th Legislature, distinguished guests, ladies and gentlemen:

Thank you very much for the privilege to address this joint session of the 56th Legislative Assembly. I appreciate having this opportunity to share with you some highlights of Montana's judiciary--its workload, accomplishments and concerns. We take pride in our accomplishments this past biennium and look forward to continued achievements in the years ahead--in many of which you will have a part in setting the course and direction in your deliberations this session.

I know you can hardly wait to hear about the judicial statistics; however, unless you have some information about where we have been, you will not appreciate where we should be going.

My report on statistics will probably remind you of the two parishioners in the small country church in Missouri. They had just listened to the preacher deliver a lengthy sermon. One parishioner asked the other what he thought of the sermon. His friend replied, "It was the truth poorly told."

As you know, Montana's court system is comprised of three constitutionally-required levels. Today, I would like to take a few minutes to speak about the courts comprising each level.

The Justice of the Peace Courts, City Courts and Municipal Courts, known as courts of limited jurisdiction, are most likely the courts with which Montana's citizens will have contact. These "people's courts" have jurisdiction over traffic offenses, small claims, and misdemeanor criminal offenses.

Currently, sixty-two men and forty-seven women serve as justices and judges of the courts of limited jurisdiction. Much like yours, their backgrounds are diverse--a few are attorneys, but others have many varied occupations. Some serve full time and some part time. All, however, share a commitment and dedication to performing their duties diligently, fairly and without preconceptions and prejudice. In 1998, 302,221 cases were filed in the courts of limited jurisdiction across the state. Obviously, we are fortunate to have hardworking and devoted justices and judges at this level to keep abreast with such busy and ever-increasing work loads.

The second level of courts are Montana's District Courts. There are twenty-one judicial districts in the state, and the total number of judges sitting in these districts is thirty-seven. District Courts are courts of general jurisdiction--they handle criminal cases, dissolutions of marriage, property and contract disputes, probates and estates, and other filings as well as appeals from the courts of limited jurisdiction.

Montana is fortunate to have a long-serving, dedicated, highly-professional district court bench. The men and women serving as district judges are regularly confronted with complicated issues and difficult decisions in our ever-changing society. Their experience and knowledge acquired over the years, as well as their integrity and devotion to their duties, serve all Montanans well.

In 1998, there were approximately 34,669 filings in the State's district courts. The number of cases filed continue to rise year after year, and there has not been an increase in the number of district judges serving the state since 1991. You have an opportunity to help us out in this regard--but more about that later.

The legislature has also created two other courts--the Workers' Compensation Court and the Water Court. Although not courts created by the Constitution, these courts perform very important functions for the people of Montana.

Finally, the next level of court in our judicial system is the Supreme Court. By law, the Montana Supreme Court must accept jurisdiction over all appeals taken from judgments entered in the district courts. It has no discretion in deciding which appeals to accept and consider. The Supreme Court also must review applications and petitions to the Court seeking its original jurisdiction--supervisory control, habeas corpus and declaratory judgment, to name a few. In 1998, 731 new cases were filed with the Supreme Court. In addition, the Court must address thousands of motions each year--some of which are relatively minor, such as a motion for an extension of time to file a brief, but some of which are extremely important, such as staying the execution of a death sentence. All, however, require the time and careful attention of the Court.

In addition to its duties in addressing the cases before it, the Supreme Court is also given, under Article VII, Section 2(3) of the Montana Constitution, the duty to "make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members." In this regard, the Court has various boards, commissions and other entities whose work is vital, not only to the smooth operation of the judiciary, but to all Montana citizens.

The disciplinary responsibilities of the Supreme Court are initially handled by the Commission on Practice and the Judicial Standards Commission. These commissions are the avenues for our citizens to file ethical grievances against attorneys and judges. In the last two years, the Supreme Court and Commission on Practice have disciplined fifty-seven attorneys, four of whom were disbarred from the practice of law.

The Commission on Courts of Limited Jurisdiction planned and conducted two mandatory training conferences for Justices of the Peace, City Court Judges and Municipal Court Judges in the past year which totaled over 42 hours of education. Each of the newly-elected and re-elected judges of courts of limited jurisdiction was required to attend the fall certification conference which includes a proficiency test on detailed law-related questions which each judge must pass for certification.

The Court's advisory commissions on rules of appellate and civil procedure, rules of evidence, and criminal and civil jury instruction guidelines are also permanent commissions which periodically recommend to the Court for its consideration proposed changes to the rules of procedure under which our entire court system operates.

In addition to permanent committees, since I last addressed you the Supreme Court has appointed and received recommendations from three specially-created committees.

An advisory commission on rules for admission to the bar of Montana was appointed to study bar admission requirements in the state. Following the commission's recommendations to the Court and a public comment period, the Supreme Court adopted significant changes in its procedures and rules for admission to the Montana Bar--the most noteworthy of which is the elimination of any waiver provisions within the rules, thereby making the passing of the Montana bar examination mandatory for anyone wishing to practice law in the state.

A second study committee appointed by the Court was charged with the task of developing and recommending to the Supreme Court standards regarding the competency of counsel appointed to represent indigent persons in capital cases, both at the trial and appellate levels. This committee, comprised of one district judge, two prosecuting attorneys and two defense attorneys, submitted its Proposed Competency Standards to the Court in November, and a public comment period on the proposals is now being allowed. The Court anticipates that these standards, if adopted, will result in more effective representation for the accused in death penalty cases, in long-term savings in the costs of prosecution and defense of capital cases, and in more efficient and economic uses of the scarce and overburdened resources of the courts and the criminal justice system.

Since the last biennial report, the Supreme Court created a commission to make recommendations concerning an intermediate appellate court. The commission recognized the need for some form of intermediate appellate procedures. The Supreme Court has recommended the introduction of Senate Bill 443 which I will mention further in this report.

The Office of the Supreme Court Administrator has under its direction other programs designed to promote the efficient administration of certain areas of the judiciary.

Automation of the Montana court system has taken a much needed step forward. All fifty-six district courts have been provided hardware and software to automate case management. In 1998, 98 of the 109 judges of the courts of limited jurisdiction were trained and equipped to operate their courts using case management software. The judiciary has joined a collaborative effort with executive branch agencies to integrate judicial information for increased public safety. This integration allows for faster and more accurate exchange of court case information with the Departments of Justice and Corrections. District court automation also has provided an expedient method of relaying child support orders in divorce actions to the Child Support Enforcement Division as mandated by statute.

The Local Citizen Review Boards, a program statutorily assigned to the Judiciary, is currently active in three judicial districts within the state. The review boards are composed of volunteer citizens who review foster care placements made by the Department of Public Health and Human Services and make recommendations they believe will move these children to permanent placement as quickly as possible. Since the inception of this program, Missoula has recognized a 27 percent decrease in the number of youths in foster care. These boards have made and are continuing to make a difference in the lives of Montana's children with the involvement of their local communities. It is a most important program and critical to the lives of children in foster care.

Another major program which is the responsibility of the Court is the Court Assessment Program, relating to children who are victims of abuse and neglect with a focus on safety, permanency and stability in those children's lives. This program proposed legislation to incorporate the federal requirements of the Adoption and Safe Families Act into state law. Another proposal was to include district court expenses in abuse and neglect cases as eligible for reimbursement from the present District Court Criminal Reimbursement Program. This is a very beneficial program for the safety and well-being of children.

A very important program to all of the counties of Montana and the county taxpayers is the District Court Criminal Reimbursement Program. This program was enacted in the 1985 legislature, and in calendar year 1998 this program reimbursed the counties of Montana and the taxpayers therein in the total amount of \$5,383,536 for criminal expenses incurred in the counties.

The Supreme Court is also responsible for the administration of the legislatively-created Sentence Review Division, composed of three sitting district judges. The Sentence Review Division hears petitions of prisoners sentenced to the state prisons who ask for review of their sentences. The Division heard 127 cases in 1998 and it has authority to increase, decrease or, in certain circumstances, modify a prison commitment.

In addition this year, the Montana Judges' Association, whose membership comprises the District Court Judges and Supreme Court Justices, has been actively working to increase the efficiency of the court system. The District Court Judges' Benchbook, used as a guidebook for procedures in the District Court, was updated and reprinted. This project, led by District Judge Thomas A. Olson of Bozeman, offers an inexpensive but effective way to encourage uniformity and consistency in district courts throughout the state.

The full 1998 Annual Report of the Montana Judiciary will be furnished to you soon.

I would like to thank those men and women who contribute their time, talent and professionalism to make the Supreme Court boards and commissions the vital, working, entities that are so necessary--not only to the bench and bar, but, most importantly, to the people of this state. Many of the members of these essential commissions are attorneys who are unpaid and unrecognized for their generous contributions to the citizens of the state. Others are lay members who generously give of their time and talents. Montana's judiciary is extremely fortunate to have such giving, unselfish citizens to work for its betterment. They all deserve our gratitude and thanks.

The continued effective administration of the many duties of Montana's judiciary, courts at all levels, would not be possible without the professional and dedicated service of all of the courts' personnel in all levels. The Supreme Court would not possibly be able to process the 731 cases filed in 1998 without the dedication and hard work of its limited number of staff personnel.

I turn now to pending matters before you which can have a profound effect upon Montana's judiciary.

It can be said that almost all of the bills that you consider and pass during the legislative sessions affect the judiciary. Why? Because it is the duty of the courts to enforce the statutes you enact. There are, however, certain legislative bills and resolutions that directly affect the well-being of Montana's judiciary, and I would like to take this opportunity to briefly address a few of them.

There are two important bills in this legislature relating to the continued funding of our statewide court automation and case management system. I trust that you will agree that in 1999 and future years the judiciary could not function without an adequate and functioning computerized data base system for the courts. The present funding for the installation and continued maintenance and support of the system is based upon a five dollar charge on most court filings. House Bill 41 and House Bill 104 provide a continuation of this source of funding. Such funding is critical to the automation program and provides for the installation and maintenance of such services in all of the counties in the state without cost to the local taxpayers. The judicial automation system has solved in house the Y2K problem.

Senate Bill 273 provides for a new judicial district and the addition of one judge, which district would be composed of the Counties of Big Horn, Carbon and Stillwater to be taken from the present Thirteenth Judicial District, Yellowstone County. The bill also provides for an additional district judge in the Eleventh Judicial District in Flathead County, and an additional district judge in the Twentieth Judicial District composed of Sanders and Lake County. There is no question but that the case load statistics support these additional judicial resources if timely and efficient administration of justice is to be continued in these areas.

Senate Bill 60 provides for the district court judges to appoint standing masters with the approval of the county commissioners. The ever-increasing load of family law cases that require an inordinate amount of time of district judges require such improvement in our judicial system. Your support of this bill is important.

Another very important bill to the judiciary is Senate Bill 443 that provides for the creation of an intermediate appellate court. The model of this bill is taken from the State of Nebraska. The ever-increasing appellate case load creates an excessive demand upon the time of the Court to process effectively large, complex and controversial cases of great consequence to the people of Montana. All cases require careful and deliberative processing by the Court. Most of our states provide for some form of intermediate appellate court panel. Montana needs such legislation. I urge that you carefully consider and support this proposal.

A startling development throughout our court system is the huge increase in the number of pro se litigants. With the cuts in funding for legal services at the federal level, more and more citizens will be using our courts without the assistance of a lawyer. Legal service agencies have been nearly wiped out by budget cuts and restrictions adopted in Washington, D.C. For all practical purposes, legal services is now the responsibility of the states.

Montana should give a helping hand to the many low income people who are standing alone in the dark at the bottom of the courthouse stairs. They must have access to justice. I urge you not to exclude them. Justice will come when those of us who have never been injured, deprived or silenced become as committed and concerned as those who have.

In considering the costs that may be involved in some of this legislation, I would like to comment that of the state's budget of an approximate 4.5 billion dollars for the biennium, the percentage of this amount for the judicial budget is .35 percent for the biennium--certainly not an excessive amount for a branch of Montana's government that is co-equal with the Legislative and Executive branches.

Our civil courts underpin our economy and way of life. They mirror and help develop positive changes in the economic, technological, ideological and moral conditions of society. They yield benefits far greater than those accruing to the litigants alone. For example, landmark cases represent turning points in law and social attitudes. Nonlitigants order their affairs by the results of these cases.

To those injured on the job or by a defective product, to victims of negligence, to those evicted unfairly, to defenders of our waterways against chemical dumping, to small businesses fending off monopolistic practices, to people with a grievance against their government, to abandoned children who need adoption or protective care, to farmers, ranchers and shop owners fighting to keep their properties and their doors open in difficult times, to those discriminated against on the basis of race, age, sex, religion, disability or other unlawful reasons, our civil courts represent the fulfillment of the basic need for fairness and justice.

When a young mother goes into a busy court to obtain an order that will protect her and her children from an abusive mate, she doesn't distinguish between the law enacted by the legislature and the judge who administers it. In her view, it is one system. Either the law works and she is protected, or the law doesn't work and she and her children remain in danger.

Montana's judiciary strives to deliver an independent justice system that carefully considers the rights and obligations of our citizens, and promptly renders impartial decisions free of outside influences or pressures. The system cannot survive without the trust and confidence of those it serves.

Fourteen years have passed since I first spoke to this honorable assembly as the Chief Justice of the Montana Supreme Court. In those fourteen years, we all have seen much change. The public no longer must rely on the media for information--with a simple click of a mouse, Supreme Court opinions are available to any one connected to the Internet, as are all the bill drafts, amendments and enactments you must consider. The judiciary has done its best to keep pace in our ever-changing times. It needs your support to continue to do so. Your deliberations and actions in the next few weeks will set the course and direction for the future progress of the court system.

On behalf of the Bar of Montana, it must be noted that without the members of the Bar, who deliver professional and competent services to the people of Montana, our Constitution, statutory law, and bills that you are presently passing, would not be implemented and enforced. The Constitution and statutory law of this State are not self-executing. The safeguards to the safety, liberties and property of our citizens would derive no benefit from our laws without competent, dedicated courts and members of the Bar that see to their fair and impartial implementation.

This has been true since the Magna Carta of June 15, 1215--and notwithstanding some jests about lawyers. One I recall as a cartoon, which I believe would have been created about the year 1750, depicting the "lawsuit milk cow." In the cartoon there was a picture of a milk cow, the ownership of which was the subject of litigation between two farmers. One of the farmers had a rope around the cow's horns and was tugging on the rope in that direction, and the other farmer had the cow by the tail and was pulling her in that direction. Each farmer had an attorney, each of whom was sitting on a pile of law books on either side of the cow--vigorously milking her.

I know that for many of you, this will be your last session and, perhaps, the most difficult. Your years of service to the State of Montana and its citizens, and in particular your continued willingness to listen to and respond to our concerns during your terms, is appreciated.

On a personal note, this will be the last time that I am privileged to deliver to a joint session of the House and Senate on behalf of Montana's judiciary a State of the Judiciary Address.

I will not seek reelection in 2000 as Chief Justice of the Montana Supreme Court.

I am deeply appreciative and humbled by having been honored by the people of Montana for electing me to important public offices in all three branches of the government--Executive, Legislative, and Judicial--since the June primary of 1952, forty-seven years ago.

My public service commenced in 1944 when I enlisted in the Army Air Force. I was elected Lake County Attorney for five terms starting in 1952. In 1962 I was elected as State Representative and in 1964 as State Senator from Lake County, where I served for twenty years. In 1984 I was elected for an eight-year term as Chief Justice of the Montana Supreme Court and re-elected for an eight-year term in November 1992, which term ends in December 2000. It is time to bring to closure the forty-eight years of public service I have been permitted to serve. It has been a great privilege and personal satisfaction to have served in public office all of these years.

Thank you again for allowing me the opportunity of addressing you today.

Supreme Court Justices

JEAN A. TURNAGE

Chief Justice. Born March 10, 1926, in St. Ignatius, Montana. Served in the U.S. Air Corps from 1944-46. Received his J.D. from the University of Montana in 1951. Elected Lake County Attorney in 1953 and was re-elected to office four times. Elected to the Montana House of Representatives in 1962 and to the Montana State Senate in 1964, where he served continuously until he assumed the office of Chief Justice on January 7, 1985. Chief Justice Turnage and his wife, Eula Mae, are the parents of two children.

KARLA M. GRAY

Justice. Born May 10, 1947, in Escanaba, Michigan. Received both her Bachelor's and Master's degrees from Western Michigan University and received her J.D. from Hastings College of Law in San Francisco, California in 1976. Prior to her appointment to the bench on February 11, 1991, Justice Gray worked as a staff attorney and lobbyist for the Montana Power Company in Butte, Montana. Justice Gray is married to Myron Currie.

WILLIAM E. HUNT, SR.

Justice. Born February 28, 1923, in Tacoma, Washington. Moved to Montana in 1945. Received his J.D. from the University of Montana in 1955. Prior to election to the bench in 1984, he engaged in general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County. Justice Hunt also served as the director of the Montana Aeronautics Commission from 1970-1975, and served as the first Workers' Compensation Court Judge from 1975-1981. Justice Hunt and his wife, Mary, are the parents of five children.

JAMES C. NELSON

Justice. Born February 20, 1944, in Moscow, Idaho. Received a B.S. degree from the University of Idaho in Moscow, Idaho, in 1966. Received his J.D. from George Washington University in 1974. Justice Nelson served as First Lieutenant in the U.S. Army from 1966-1969. Justice Nelson worked as a financial analyst with the U.S. Securities and Exchange Commission prior to engaging in private practice in Montana. He was in private practice and serving as Glacier County Attorney at the time of his appointment to the Supreme Court in May of 1993. Justice Nelson and his wife, Chari, are the parents of two children.

TERRY N. TRIEWELER

Justice. Born March 21, 1948, in Dubuque, Iowa. Received both his Bachelor's degree and J.D. from Drake University in Des Moines, Iowa. Justice Trieweler worked in private practice in Whitefish until 1990, when he began serving as an instructor of civil procedure at the University of Montana School of Law. He was elected to the Montana Supreme Court in 1990. Justice Trieweler and his wife, Carol, are the parents of three children.

W. WILLIAM LEAPHART

Justice. Born December 3, 1946, in Butte, Montana. Attended Whitman College, 1965-66, and the University of Montana, 1966-69. Received a B.A. in Liberal Arts in 1969 and LL.M in 1972 from the University of Montana School of Law. Engaged in general practice of law for twenty-one years with his father, C.W. Leaphart, prior to being elected to the bench in January of 1995. Justice Leaphart and his wife, Barbara, are the parents of three children.

JAMES M. REGNIER

Justice. Born July 22, 1944, in Aurora, Illinois. Received a Bachelor's degree from Marquette University in Milwaukee, Wisconsin, in 1966. Upon graduation, he was commissioned an officer in the U.S. Navy and served aboard an ammunition ship and an ocean tanker. After his Navy service, Justice Regnier entered the University of Illinois, College of Law, where he obtained his J.D. in 1973. As a practicing attorney, he represented a wide variety of clients, including representing claimants, insurance companies, and self-insured employers in workers' compensation matters. Prior to being elected to the bench in January of 1997, Justice Regnier had shifted his energies to mediation. Justice Regnier and his wife, Linda, have three children.



Members of the Montana Supreme Court: Left to right, Justices William E. Hunt, Sr., W. William Leaphart, James M. Regnier, Chief Justice J. A. Turnage, Justices James C. Nelson, Karla M. Gray, and Terry N. Tricweiler.

Clerk of the Supreme Court

The Clerk of the Supreme Court is a sworn public servant, who, historically, by constitutional and statutory authority, controls the filings and provides the public with access to the Supreme Court. The Clerk also serves as the custodian of all legal records and documents for the Court and the public. The Clerk of the Supreme Court transacts all of the business for the Court, making the office the structural hub around which the judicial process revolves. Since 1865, when the Clerk of the Supreme Court was established in this state, the office has served as the direct link between the public and the Supreme Court. The Clerk ultimately controls the flow of information to and from the Court while assisting the Court, the legal community and the public in processing appeals and original proceedings from the early filing stages through final disposition. The Clerk is elected on a partisan ballot in a statewide election to a six-year term.

The current Clerk of the Supreme Court is Ed Smith of Helena, who is serving his second term. Prior to his election, Smith worked for the Montana Legislature and the Constitutional Convention from 1969 to 1987, serving four sessions as the Chief Clerk of the Montana House of Representatives and also holding the position of Chief Bill Clerk of the United States House of Representatives. He is a graduate of the University of Montana, where he was a teaching assistant.

Primary responsibilities of the Office of the Clerk are specified in Montana statutes and consist of the management of all Supreme Court appeals and petitions for the various writs, including writs of supervisory control, habeas corpus and mandamus, which are filed with the Court. The office also provides the Court with a monthly status report of pending cases.

Other duties include appellate mediation administration, the preparation of court and oral argument minutes, collecting the annual attorney license tax for more than 3,600 attorneys, and maintaining the roll of Montana attorneys.

The Clerk has three staff positions, consisting of one deputy clerk and two assistant clerks. The office has remained the same size since 1979 and has added no additional staff since the Supreme Court was enlarged to seven justices in 1981 to handle the increasing caseload.

Calendar year 1998 was another busy year for the Supreme Court. The Clerk's office docketed 731 cases, which resulted in over 34,000 transactions being handled. During fiscal year 1998 the office collected \$198,061 in fees and revenues for the state. This amount comprised \$39,483 in court fees, \$66,903 in bar administration and examination fees, and \$91,675 in attorney license taxes.

1998 SUPREME COURT CASELOAD STATISTICS

Filings carried over from 1997	532	Opinions issued by five-member panel - after submission on briefs	268
New Civil Filings	480	Opinions issued by all seven justices - after submission on briefs	43
New Criminal Filings	251	Opinions issued by all 7 justices - after oral arguments	33
Total New Filings in 1998	<u>731</u>	Total Formal Opinions Issued in 1998	<u>344</u>
Dispositions by Remittitur in 1998	311		
Dispositions by Dismissal in 1998	194		
Dispositions - Writ Denied	116		
Dispositions - Writ Granted	12		
Total Dispositions in 1998	<u>633</u>	Cases Pending as of December 31, 1998	<u>548</u>
DATA SOURCE: Clerk of the Supreme Court's Office			

Office of the Court Administrator

Prior to 1975, court administration was handled by the Chief Justice. The Supreme Court established the Office of the Court Administrator (OCA) in 1975 to assist the Court with administrative duties. The office was recommended in a study of the judicial system by the Board of Crime Control in 1975 and authorized by the legislature in 1977 (§3-1-701, MCA). The current Court Administrator is Patrick A. Chenovick of Helena, who has served the Court since appointment February 3, 1993. Prior to his appointment as Court Administrator he served as Chief Financial Officer and Assistant Court Administrator.

3-1-701 Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

- 1) prepare and present the judicial budget requests to the legislature;
- 2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;
- 3) recommend to the supreme court improvements in the judiciary;
- 4) administer state funding for district courts as provided in Chapter 5, Part 9, MCA; and
- 5) perform other duties that the supreme court may assign.

Other duties under part (5) include supporting the boards and commissions that are attached to the Supreme Court, arranging certification and training for judges, participating in clerks of district court conferences and implementing statewide judicial automation. The OCA provides the Court with an administrative arm to oversee essential operations and daily tasks for the Court and the people of Montana. As the legislature enacts new statutes, the role of the court also evolves and its need for the administrative office expands.

Judicial Automation - Montana Judicial Case Management System and Montana Limited Jurisdiction Case Management System

In 1998 the automation team of the OCA coordinated, installed, trained, and maintained automation systems in 55 district courts and 98 courts of limited jurisdiction. Twenty-six court sites are networked so that users can take advantage of shared resources. Connecting 56 district courts to SummitNet allowed district courts to become information providers through a statewide central repository of court information. This central repository will provide needed information to various entities including the Departments of Justice and Corrections. The central repository will also supply the Department of Public Health and Human Services (DPHHS), Child Support Enforcement Division, information required per Senate Bill (SB) 357 about child support orders.

The Automation Program receives approximately 25 to 35 calls for assistance from these automated courts on a weekly basis. The automation of Montana courts is an evolutionary process that provides tools to allow courts to perform constitutional and statutory duties.

Court Assessment Program

The Court Assessment Program has been an impetus for change in Montana's court system as it relates to children who are victims of abuse and neglect. Nationally, delays in the court process have contributed significantly to lack of permanency and stability in children's lives. For that reason, Congress funded state court improvement projects to assess individual state court systems, make recommendations, and implement improvements to the court system based on those recommendations. The projects were directed to spend two years on the assessment portion and two years on the implementation portion. Prior to the end of the grant period, Congress recognized that projects required more than two years to effectively implement systemic changes. The grants were renewed for three more years subject to states providing matching funds.

Montana's grant period began June of 1995. The two-year assessment portion of the Court Assessment Program concluded that change was necessary in Montana's court system to provide greater permanency for children. The following two years were dedicated to implementing the recommendations of the Court Assessment Program's Advisory Committee that were based on the initial assessment. Implementation of the recommendations have brought child abuse and neglect issues to the forefront and has been the beginning of effective change. The additional grant period will allow the program to further implement the recommendations, to address changes in the court and child welfare system, and to evaluate the success or failure of those changes so that the court system can best meet the needs of children while protecting the integrity and rights of parents. Accordingly, the OCA has asked the 1999 Legislature to provide matching funds required to receive the additional three years of federal funding.

In 1998, the Court Assessment Program drafted proposed legislation to: 1) incorporate the federal requirements of the Adoption and Safe Families Act into state law; and 2) include district court expenses in abuse and neglect cases as eligible expenses for reimbursement from the Supreme Court's District Court Criminal Reimbursement Program. In addition, the Program established a pilot mediation project to provide a less adversarial procedure for resolution of child protection cases. Staff plans to sponsor advanced mediation training in this area of law in the Spring of 1999. Program staff taught a child advocacy law class at the University of Montana School of Law and worked with Gallatin County to develop model procedures

and practice in child protection cases.

The Program established Court Appointed Special Advocate/Guardian Ad Litem (CASA/Gal) of Montana, a statewide organization, to support local lay advocate guardian ad litem programs. The Program also assisted the Cascade County Law Clinic in the development of the Parents' Assistance Program. Staff organized and facilitated discussion on practice and procedures in child protection cases at the County Attorney's conference and is working with the Department of Justice to acquire additional staff attorneys to assist the county attorneys in child protection cases.

The Court Assessment Program looks forward to working with its advisory committee to continue its efforts in court improvement.

Citizen Review Board Program

The 1993 Montana Legislature passed a bill establishing the Local Citizen Review Board Pilot Program (CRB). The legislature was concerned that reviews conducted by DPHHS Foster Care Review Committees were not objective because reviewers were not independent. Citizen Review Boards perform impartial case reviews of placements independent of DPHHS. During the 1993 Special Legislative Session, the Program was attached to the Montana Supreme Court.

Board members were recruited and trained, and the Fourth Judicial District in Missoula was chosen as the first program pilot site. Citizen Review Boards are currently operational in three judicial districts: the Fourth Judicial District (Missoula and Mineral Counties); the Second Judicial District (Butte Silver Bow County); and the Eighteenth Judicial District (Gallatin County).

Accomplishments of the Citizen Review Boards

The volunteers appointed to CRB's contribute their time, effort, and talents by serving on the boards. In 1997, volunteers in the three districts donated approximately 1,455 hours in review and advocacy. This figure excludes preparation and training time. If volunteer service were calculated into dollars at \$10 per hour, it means the dollar value to the State of Montana would exceed \$14,550. Citizen Review Boards are a prime example of volunteerism.

Citizen Review Boards have held 1,830 case reviews since the program began in 1994. Missoula Review Boards have held 1,291 reviews since December 1994; Butte Review Boards have held 375 reviews since December 1995; and the Bozeman Review Board has held 164 reviews since June 1996. Citizen Review Boards have tracked over 590 individual children in foster care. In calendar year 1997, CRB's, along with DPHHS and the district courts, resolved 117 cases; 61 of those were adopted or returned home.

Another major accomplishment is the movement of children toward permanency. The average number of days a child was under a Temporary Investigative Authority Order has been reduced from 332 days in calendar year 1995, to 132 days in calendar year 1997. The average number of days a child was under a Temporary Legal Custody Order has been reduced from 497 days in calendar year 1995, to 165 days in calendar year 1997. Judges are placing a priority on children in out-of-home care and understand the importance for the need of a permanent home for these children.

Movement Toward Permanency by Year			
	1995	1996	1997
<u>Parental Agreement</u>			
No. of Youth	5	15	2
Average No. of Days	331	280	171
<u>Temporary Investigative Authority (TIA)</u>			
No. of Youth	39	62	32
Average No. of Days	332	218	132
<u>Temporary Legal Custody</u>			
No. of Youth	44	30	23
Average No. of Days	497	383	165

Summary

Many of the cases reviewed by the local CRB's had been adrift for two years or more, thus hindering permanency for these children. Urgency is a key factor to providing services to foster children and their families.

CRB's are important because they assist in resolving cases. Review hearings provide regular judicial oversight of children in foster care. The reviews hold DPHHS accountable and gets the community involved.

One of the most promising options to reduce the burden on an already stressed system, due to limited resources and lack of foster homes, is exploring extended family placements. CRB's continue to collaborate with social workers, permanency planning specialists, the Court Assessment Program, the Casey Family Program and others in the community, in order to become more creative in finding permanent placement for the children in foster care in Montana.

District Court Criminal Reimbursement Program

The District Court Criminal Reimbursement Program (DCCRP), enacted by SB 25 and SB 142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

The DCCRP reimburses counties for certain adult criminal expenses. The Program, as outlined by 3-5-901, MCA, applies to eligible expenses in the following five categories: 1) a percentage of court reporters' salaries; 2) the cost of transcripts of eligible criminal proceedings; 3) psychiatric examinations in criminal proceedings; 4) witness and jury expenses of criminal proceedings; and 5) indigent defense expenses of criminal proceedings.

Program revenues derive from a portion of the motor vehicle license tax.

If a balance remains after all reimbursements are made, that balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above its maximum mill levy set by law for district court expenses.

District Court Criminal Reimbursement Program 1998 Total Reimbursement by Category							
County	Court Reporter	Jury Services	Witness Services	Psychiatric Examinations	Indigent Defense	Grant Received	Totals
ANACONDA-DEER LODGE	\$0	\$0	\$0	\$0	\$27,150	\$0	\$27,150
BEAVERHEAD	3,230	117	1,800	16,117	15,874	399	37,537
BIGHORN	2,915	18,458	24,879	8,832	77,912	0	132,995
BLAINE	1,561	1,070	0	1,450	29,305	1,861	35,246
BROADWATER	1,965	1,233	231	940	17,081	3,394	24,843
BUTTE-SILVER BOW	24,665	3,562	10	66,921	135,447	0	230,604
CARBON	2,228	0	0	650	5,538	394	8,810
CARTER	919	0	0	0	0	1,133	2,051
CASCADE	29,199	29,925	31,516	56,065	331,412	89,360	567,478
CHOUTEAU	3,285	1,174	0	3,075	22,112	0	29,646
CUSTER	13,386	8,632	26,564	4,305	153,025	17,680	223,592
DANIELS	334	(723)	0	0	2,444	2,150	4,204
DAWSON	7,095	38	0	500	18,757	6,579	32,969
FALLON	1,818	1,347	87	0	17,719	0	20,971
FERGUS	6,510	10,890	38,325	6,391	108,877	3,812	174,805
FLATHEAD	20,839	11,621	404	14,820	169,944	26,315	243,942
GALLATIN	15,490	15,384	11,240	23,244	164,858	25,008	255,224
GARFIELD	706	910	1,367	0	14,131	0	17,115
GLACIER	6,901	6,639	620	385	46,214	6,475	67,234
GOLDEN VALLEY	967	0	0	0	4,724	0	5,691
GRANITE	0	605	222	0	6,246	2,127	9,199
HILL	10,200	11,161	2,249	500	108,879	1,618	134,608
JEFFERSON	2,964	93	9,504	11,356	54,000	9,023	86,940
JUDITH BASIN	3,251	9,160	17,271	0	78,646	0	108,329
LAKE	9,487	13,035	25,429	15,940	157,859	521	222,271
LEWIS&CLARK	17,401	8,487	5,054	37,679	123,937	54,911	247,468
LIBERTY	983	0	0	0	314	0	1,296
LINCOLN	5,982	4,876	3,939	7,950	131,656	39,531	193,934
MADISON	2,688	0	1,188	175	4,797	0	8,847
MCCONE	1,050	3,031	7,760	0	1,420	2,074	15,335

District Court Criminal Reimbursement Program
1998 Total Reimbursement by Category

County	Court Reporter	Jury Services	Witness Services	Psychiatric Examinations	Indigent Defense	Grant Received	Totals
MEAGHER	\$1,302	\$2	\$0	\$0	\$21,850	\$4,052	\$27,205
MINERAL	1,514	0	0	3,081	27,976	4,568	37,138
MISSOULA	41,831	29,105	34,410	19,610	264,855	262,872	652,683
MUSSELSHELL	5,275	117	375	14,293	85,208	0	105,267
PARK	10,516	7,532	40	32,537	69,784	6,148	126,557
PETROLEUM*	240	1,649	244	0	4,272	1,167	7,572
PHILLIPS**	2,628	73	506	1,490	24,221	434	29,353
PONDERA	2,329	859	0	0	10,095	1,347	14,630
POWDER RIVER	1,188	2,346	261	0	25,031	2,779	31,606
POWELL	0	0	188	4,400	22,367	5,108	32,062
PRAIRIE	588	0	0	0	427	0	1,015
RAVALLI	7,153	9,829	6,838	5,188	184,886	34,356	248,250
RICHLAND	7,451	647	0	0	15,215	0	23,313
ROOSEVELT	1,358	101	0	0	1,934	0	3,393
ROSEBUD	4,648	2,548	2,017	1,325	25,388	0	35,926
SANDERS	3,138	6,904	6,739	4,250	29,546	0	50,576
SHERIDAN	520	2,169	1,004	525	11,047	0	15,265
STILLWATER	1,671	3,137	464	0	16,291	0	21,563
SWEET GRASS	1,480	0	0	0	3,271	1,829	6,580
TETON	2,319	1,312	698	0	2,748	0	7,076
TOOLE	3,585	0	0	0	19,175	0	22,759
TREASURE	1,094	(447)	622	0	7,688	0	8,957
VALLEY	3,306	67	0	2,052	14,580	0	20,005
WHEATLAND	1,650	36	0	525	12,917	0	15,127
WIBAUX	1,210	692	0	0	1,881	0	3,782
YELLOWSTONE	<u>49,102</u>	<u>30,128</u>	<u>13,344</u>	<u>30,070</u>	<u>470,520</u>	<u>72,105</u>	<u>665,268</u>
 TOTALS	 <u>\$355,109</u>	 <u>\$259,530</u>	 <u>\$277,679</u>	 <u>\$396,642</u>	 <u>\$3,403,448</u>	 <u>\$691,128</u>	 <u>\$5,383,536</u>

* New Applicants as of FY98

** Applied in FY97, but did not receive a grant.

Boards and Commissions of the Supreme Court

Judicial Nomination Commission

The Judicial Nomination Commission provides the Governor a list of qualified candidates to fill vacancies on the Supreme Court, District Courts and the Workers' Compensation Court. The Commission also provides the Chief Justice a list of candidates for appointment to fill any term or vacancy for the Chief Water Court Judge. The Commission is comprised of seven members; four appointed by the Governor, two appointed by the Supreme Court and one elected by the state's district court judges. Commission members serve four-year terms and are not eligible to apply for judicial office during their terms or for one year thereafter.

Commission on Unauthorized Practice

In 1998, the Commission on Unauthorized Practice was reorganized by order of the Supreme Court. The Commission is now comprised of nine members; five lawyers and four nonlawyers appointed by the Supreme Court to three-year terms. The Commission investigates complaints that a person is practicing law without admission to the Bar. The newly reorganized Commission has also been directed to review the overall situation regarding the unauthorized practice of law in Montana and make recommendations to the Supreme Court which will ameliorate the problems associated with the unauthorized practice of law.

Commission on Courts of Limited Jurisdiction

The Commission on Courts of Limited Jurisdiction oversees mandatory training for judges of limited jurisdiction twice a year, and promotes professionalism, competence, procedural improvements and refinements in courts of limited jurisdiction. The Commission is comprised of practicing attorneys, a district court judge, judges of courts of limited jurisdiction, and a clerk of a limited jurisdiction court. A Justice of the Supreme Court sits as an ex-officio member of the Commission.

Sentence Review Division

Individuals sentenced to a year or more to the Montana State Prison (MSP) or the Montana Women's Prison (MWP) may request a review of the sentence they received in a District Court.

The Sentence Review Division of the Supreme Court is comprised of three District Court Judges appointed by the Supreme Court for three-year terms. The 1998 members were: Honorable William Nels Swandal, Chairman; Honorable Richard Phillips, and Honorable Jeffrey Langton. Retired Judge Robert Boyd serves as an alternate member.

The Division meets four times a year at the Montana State Prison and two times a year at the Montana Women's Prison.

The Sentence Review Division heard a total of 116 cases in 1998. Of those cases, 50 were affirmed; 13 were continued; 24 were dismissed; 15 were decreased; 4 were increased; 3 cases were changed from MSP or MWP commitments to Department of Corrections (DOC) commitments; 5 were held in abeyance pending an appeal; and 2 cases were remanded back the district court for clarification of sentence.

Board of Bar Examiners

The Board of Bar Examiners is responsible for examination and licensing of attorneys who wish to practice law in Montana.

Members of the Board are appointed by the Supreme Court. Terms of Board members are permanent; however, the Supreme Court may release, dismiss, or remove any member of the Board and appoint another member in his or her stead at any time.

Members of the Board of Bar Examiners for 1998 were: Gregory G. Murphy, Esq., Chairman; Randy J. Cox, Esq.; Gary W. Bjelland, Esq.; Jacqueline Terrell Lenmark, Esq.; Loren J. O'Toole, II, Esq.; Debra D. Parker, Esq.; and John Jay Richardson, Esq.

In 1998, the Multi-State Bar Examination was given on Wednesday, July 28, followed by a day and a half of essay examination on Thursday, July 29, and Friday, July 30. Ninety-nine applicants sat for the exam, with 88 passing.

Disciplinary Boards and Commissions of the Supreme Court

Commission on Practice

The Commission on Practice was established in 1965 by order of the Montana Supreme Court to review complaints alleging unethical conduct by Montana attorneys. This Commission is also responsible for reporting on merits of any petition for reinstatement to the practice of law.

The Commission is comprised of eleven members. Eight attorney members are appointed by the Supreme Court, following an election by members of the Bar in their respective areas of the State, and the Court also appoints three lay citizens. Members serve a four-year term. Members of the 1998 Commission were: Sam E. Haddon, Esq., Chairman; John Warren, Esq., Vice-Chairman; Gary L. Davis, Esq., Executive Secretary; Gary Buchanan, Patricia DeVries, Bruce A. Fredrickson, Esq., W.A. Groff, Donald R. Marble, Esq., Gary A. Ryder, Esq., John V. Potter, Jr., Esq., and Milton Wordal, Esq.

1998 Commission on Practice Caseload Statistics	
No. of Complaints Filed in 1998:	248
No. of Complaints Pending as of 12/31/1997:	124
Total	<u>372</u>
<u>Disposition of Complaints:</u>	
Total No. of Complaints Dismissed	201
Written Private Admonishment	13
Private Oral Admonishment	4
Suspension of License	5
Disbarment	3
Reinstatement Hearings	0
Formal Complaints Dismissed	0
Complaints Pending as of December 31, 1998	146
Total	<u>372</u>

Judicial Standards Commission

Montana's Judicial Standards Commission was created by amendment to the State Constitution in 1973 to provide for the censure, suspension, or removal of a judicial officer. The Commission is composed of two district court judges elected by the district court judges; one attorney appointed by the Supreme Court; and two members of the public appointed by the Governor.

Members of the 1998 Commission were: Hon. Ed McLean, Chairman; Victor F. Valgenti, Esq., Vice-Chairman; Barbara Evans, Patty Jo Henthorn, and the Hon. John Warner. All members serve a four-year term.

1998 Judicial Standards Commission Caseload Statistics	
No. of Complaints Filed in 1998:	31
No. of Complaints Pending at the End of 1997:	18
Total	<u>49</u>
<u>Disposition of Complaints:</u>	
Dismissed	43
Private Reprimand	1
Public Reprimand	0
Suspension	0
Removed from Bench	0
Complaints Pending as of December 31, 1998:	5
Total	<u>49</u>

The District Courts

Montanans are served by 56 district courts. These courts are organized within 21 judicial districts and are served by 37 district judges. District Courts are courts of original and appellate jurisdiction. Original jurisdiction incorporates all felony cases, all civil and probate cases, all cases at law and in equity, all misdemeanor and other special actions and proceedings not otherwise provided for, all civil actions that might result in a finding against the State for the payment of money, naturalization proceedings, various writs and some narrowly defined ballot issues. Appellate jurisdiction includes cases arising from the State's Courts of Limited Jurisdiction as prescribed by law and the Constitution.

Information concerning the number and characteristics of 1998 District Court caseloads is presented and discussed below.

The distributions of district court summary statistics have been sorted into quartiles on the basis of increasing number of case filings or dispositions. Quartiles divide a distribution into four groups of equal size. The tables presented contain summary data for all District Courts, for the busiest five courts and for each quartile. Data for the busiest five courts are contained within the fourth quartile data.

The contribution of each quartile and of the busiest five district courts to the 1998 statewide total of case filings by case type, is presented in Table 1. Note the wide disparity in total case filings between quartiles. The quartile of busiest courts (the fourth) accounted for more than 80 percent of all specific case filings statewide, in all but probate and adoption cases. This quartile accounted for nearly 80 percent of total case filings. Further, the busiest five District Courts accounted for at least 50 percent (and occasionally over 60 percent) of all but probate cases among total statewide case filings. Table 2 presents the corresponding distribution of statewide case dispositions. Here again, a wide disparity is evident between quartiles and the five busiest District Courts. The proportions of case filings and case dispositions in 1998 were fairly consistent across case types and court groupings.

Table 1
1998 District Court Quartile and Busiest Five Court
Caseloads as a Percent of Statewide Total Case Filings
by Case Type

Case Type	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	Busiest 5
Criminal	1.3	4.5	12.8	81.3	55.8
Civil	2.0	6.2	11.9	80.0	57.6
Adoptions	1.2	5.9	13.2	79.7	51.5
ED/DD	0.0	0.9	4.4	94.7	71.3
Paternity	0.0	0.0	5.5	94.5	71.6
Guard./Cons.	0.9	4.7	13.0	81.4	51.2
Juvenile	0.8	4.2	12.2	82.8	58.6
Dep./Neglect	0.1	2.4	10.1	87.3	60.0
Probate	5.2	11.0	18.1	65.6	41.2
Dom. Relations	0.9	4.7	10.4	84.1	60.4
All Filings	1.9	6.3	12.2	79.7	56.2

Table 2
1998 District Court Quartile and Busiest Five Court Caseloads
as a Percent of Statewide Total Case Dispositions
by Case Type

Case Type	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	Busiest 5
Criminal	0.9	4.4	13.5	81.2	56.0
Civil	2.2	5.7	11.0	81.1	60.8
Adoptions	1.0	4.7	12.4	81.8	53.0
ED/DD	0.0	0.4	4.7	94.9	71.2
Paternity	0.0	0.0	3.4	96.6	78.4
Guard./Cons.	0.0	3.9	12.7	83.4	56.9
Juvenile	0.4	4.9	15.8	78.9	51.2
Dep./Neglect	0.0	1.0	5.6	93.4	66.6
Probate	3.9	10.2	20.1	65.8	40.9
Dom. Relations	0.9	4.8	10.4	84.0	62.0
All Dispositions	2.0	5.8	12.1	80.1	57.7

The relative proportions of case filings and case dispositions by case type within the total caseloads of all courts, each quartile and the busiest five courts are presented in Tables 3 and 4. Note in both tables that probate cases constitute much higher proportions of the total caseloads of the first and second quartiles than of the third and fourth quartiles and of the busiest five district courts. Conversely, juvenile and domestic relations cases comprise far smaller proportions of the caseloads of the first quartile than the average of all courts and those of the fourth quartile and the five busiest courts. The distributions of filings and dispositions of the remaining case types within the total caseloads of all courts, all quartiles and the five busiest courts are more similar.

Table 3 Case Filing Types as Percentages of Total 1998 District Court Filings All Courts, Quartiles, and the Busiest 5 Courts						
Case Type	All Courts	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	Busiest 5
Criminal	17.2	13.5	14.0	18.2	17.4	16.9
Civil	38.4	45.1	42.4	37.7	38.0	38.9
Adoptions	1.7	1.2	1.9	1.9	1.7	1.6
ED/DD	2.2	0.0	0.4	0.8	2.6	2.8
Paternity	0.3	0.0	0.0	0.1	0.4	0.4
Guard./Cons.	2.5	1.4	2.1	2.7	2.5	2.3
Juvenile	5.7	2.6	4.3	5.7	5.8	5.9
Dep./Neglect	2.8	0.2	1.2	2.2	3.1	3.0
Probate	8.3	25.5	16.4	12.5	6.8	6.0
Dom. Relations	20.8	10.6	17.4	17.9	21.7	22.2

Table 4 Case Dispositions Types as Percentages of Total 1998 District Court Dispositions All Courts, Quartiles, and the Busiest 5 Courts						
Case Type	All Courts	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	Busiest 5
Criminal	17.4	9.1	14.7	19.6	17.4	16.7
Civil	39.6	56.5	42.4	36.4	39.6	41.2
Adoptions	1.7	1.1	1.5	1.8	1.7	1.6
ED/DD	2.3	0.0	0.2	0.9	2.7	2.8
Paternity	0.3	0.0	0.0	0.0	0.3	0.4
Guard./Cons.	1.2	0.0	0.9	1.2	1.2	1.1
Juvenile	4.8	1.1	4.5	6.4	4.7	4.2
Dep./Neglect	3.0	0.0	0.6	1.4	3.5	3.4
Probate	8.1	20.4	15.6	13.6	6.6	5.7
Dom. Relations	21.5	11.8	19.6	18.6	22.3	22.9

Total case dispositions are expressed as a percent of total case filings, by case type, for all courts, each quartile and the five busiest district courts in Table 5. Entries of 100 percent or greater indicate that the courts disposed of more cases than were filed; where the entry is less than 100 percent, case filings outnumbered case dispositions. Generally, case filings exceeded dispositions most notably in paternity and guardianship/conservatorship cases. Filings of juvenile cases also outnumbered dispositions in first and fourth quartile caseloads and in the busiest five district courts. The ratios of dispositions to filings in criminal, civil and domestic relations cases were the most favorable among case types and across all court groupings. Generally, those courts with larger caseloads also had more favorable ratios of case dispositions to case filings. First quartile courts generally had lower such ratios than courts in all other categories.

Table 5
Number of 1998 District Court Case Dispositions
as a Percent of Case Filings, by Case Type
All Courts, Quartiles, and the Busiest 5 Courts

Case Type	All Courts	First Quartile	Second Quartile	Third Quartile	Fourth Quartile	Busiest 5
Criminal	96.9	59.5	94.8	102.6	96.7	97.3
Civil	98.8	111.0	90.7	91.8	100.1	104.3
Adoptions	94.4	85.7	75.0	88.8	96.9	97.1
ED/DD	98.3	0.0	42.9	105.9	98.5	98.2
Paternity	80.7	0.0	0.0	50.0	82.5	88.5
Guard./Cons.	44.2	0.0	36.6	43.4	45.3	49.1
Juvenile	81.6	40.0	95.2	105.8	77.7	71.3
Dep./Neglect	102.2	0.0	41.7	56.6	109.3	113.4
Probate	93.7	71.1	86.2	104.0	93.9	92.8
Dom. Relations	99.2	98.4	102.4	98.7	99.0	101.7
All Cases	95.7	94.7	89.5	95.6	96.3	98.4

Tables 6 and 7 list reported 1998 case filings and case dispositions, respectively, by county and by case type.

TABLE 6
1998 DISTRICT COURT STATISTICS - BY DISTRICT
CASE FILINGS

Judicial District	County	Adoption	Criminal	Civil	Mentally Ill/ Dev. Disabled	Paternity	Guard./ Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	Totals
1	BROADWATER	3	40	80	0	0	1	5	3	19	34	185
1	LEWIS & CLARK	39	488	1,738	81	7	51	233	48	142	1,033	3,860
	District Subtotal	42	528	1,818	81	7	52	238	51	161	1,067	4,045
2	SILVER BOW	20	204	266	68	7	42	61	52	134	288	1,142
	District Subtotal	20	204	266	68	7	42	61	52	134	288	1,142
3	DEER LODGE	5	67	104	148	0	28	29	19	35	83	518
3	GRANITE	0	9	48	0	0	1	2	0	15	17	92
3	POWELL	6	78	131	3	0	8	18	0	18	39	301
	District Subtotal	11	154	283	151	0	37	49	19	68	139	911
4	MINERAL	2	34	68	0	0	1	23	8	19	44	199
4	MISSOULA	59	582	1,316	84	0	141	257	80	277	659	3,455
	District Subtotal	61	616	1,384	84	0	142	280	88	296	703	3,654
5	BEAVERHEAD	9	43	122	3	0	10	8	0	36	57	288
5	JEFFERSON	3	41	134	1	0	7	9	1	29	43	268
5	MADISON	3	26	106	2	0	3	7	5	31	33	216
	District Subtotal	15	110	362	6	0	20	24	6	96	133	772
6	PARK	12	120	258	9	0	20	27	0	47	109	602
6	SWEET GRASS	4	12	35	0	0	1	2	2	12	19	87
	District Subtotal	16	132	293	9	0	21	29	2	59	128	689
7	DAWSON	9	69	88	54	3	14	41	12	29	71	390
7	MCCONE	1	10	23	1	0	1	0	0	16	0	52
7	PRAIRIE	0	4	17	0	0	2	1	0	11	2	37
7	RICHLAND	6	40	114	5	3	6	12	1	44	52	283
7	WIBAUX	0	2	19	1	0	2	0	2	9	5	32
	District Subtotal	16	125	261	61	6	25	54	15	117	134	814
8	CASCADE	73	610	1,568	16	13	71	180	75	270	577	3,453
	District Subtotal	73	610	1,568	16	13	71	180	75	270	577	3,453
9	GLACIER	2	95	106	0	1	8	23	6	28	74	343
9	PONDERA	4	17	54	0	0	1	10	0	23	30	139
9	TETON	7	11	39	0	0	4	6	4	37	34	142
9	TOOLE	4	59	33	3	1	7	5	5	40	22	179
	District Subtotal	17	182	232	3	2	20	44	15	128	160	803
10	FERGUS	16	86	195	6	0	34	24	34	56	78	529
10	JUDITH BASIN	1	6	20	1	0	0	1	2	12	7	50
10	PETROLEUM	0	2	11	0	0	0	0	0	1	0	14
	District Subtotal	17	94	226	7	0	34	25	36	69	85	593
11	FLATHEAD	47	482	1,118	45	10	78	103	40	195	602	2,720
	District Subtotal	47	482	1,118	45	10	78	103	40	195	602	2,720
12	CHOUTEAU	5	20	54	1	0	4	2	4	37	25	152
12	HILL	4	160	149	16	2	7	68	29	66	102	603
12	LIBERTY	1	3	7	1	0	3	0	1	20	8	44
	District Subtotal	10	183	210	18	2	14	70	34	123	135	799
13	BIG HORN	6	112	101	0	0	12	7	19	33	75	365
13	CARBON	4	28	120	2	1	7	14	6	32	31	245
13	STILLWATER	1	37	89	1	0	7	14	2	16	30	197
13	YELLOWSTONE	94	1,168	1,918	175	32	105	380	329	303	1,486	5,990
	District Subtotal	105	1,345	2,228	178	33	131	415	356	384	1,622	6,797
14	GOLDEN VALLEY	1	4	8	0	0	0	2	1	6	2	24
14	MEAGHER	1	9	22	0	0	1	2	0	8	9	52
14	MUSSELSHELL	2	28	92	1	1	10	8	10	19	27	198
14	WHEATLAND	3	22	39	0	0	3	2	8	7	15	99
	District Subtotal	7	63	161	1	1	14	14	19	40	52	373
15	DANIELS	1	5	23	0	0	1	7	2	17	12	68
15	ROOSEVELT	7	10	105	1	1	8	16	0	39	24	211
15	SHERIDAN	4	15	49	1	0	3	21	0	50	1	144
	District Subtotal	12	30	177	2	1	12	44	2	106	37	423
16	CARTER	0	1	20	0	0	0	0	0	12	0	33
16	CUSTER	13	77	172	10	4	16	26	52	51	91	512
16	FALLON	2	21	43	0	1	2	3	3	23	13	111
16	GARFIELD	2	9	8	0	0	0	2	0	16	1	38
16	POWDER RIVER	0	14	19	0	4	1	13	1	13	8	60
16	ROSEBUD	4	7	92	1	0	3	16	8	27	62	220
16	TREASURE	0	8	34	0	1	0	2	1	4	3	53
	District Subtotal	21	137	388	11	6	25	50	65	146	178	1,027
17	BLAINE	2	25	72	2	0	2	10	2	30	34	179
17	PHILLIPS	3	32	62	1	0	6	8	3	31	16	162
17	VALLEY	1	22	104	0	0	4	6	1	45	34	217
	District Subtotal	6	79	238	3	0	12	24	6	106	84	558
18	GALLATIN	35	314	774	21	1	36	53	20	133	450	1,837
	District Subtotal	35	314	774	21	1	36	53	20	133	450	1,837
19	LINCOLN	11	151	285	6	2	10	95	18	56	195	829
	District Subtotal	11	151	285	6	2	10	95	18	56	195	829
20	LAKE	26	165	311	4	0	28	41	41	64	213	893
20	SANDERS*	11	60	158	0	16	2	13	5	35	64	354
	District Subtotal	37	225	469	4	16	30	54	46	99	267	1,247
21	RAVALLI	27	201	561	5	2	45	60	15	92	175	1,183
	District Subtotal	27	201	561	5	2	45	60	15	92	175	1,183
	TOTAL	606	5,965	13,202	780	109	871	1,966	980	2,878	7,212	31,669

*1997 data used

TABLE 7
1998 DISTRICT COURT STATISTICS - BY DISTRICT
CASE DISPOSITIONS

JUDICIAL DISTRICT	COUNTY	ADOPTION	CRIMINAL	CIVIL	MENTALLY ILL/DEV. DISABLED	PATERNITY	GUARDIANSHIP	JUVENILE	DEP. NEG. CHILDREN	PROBATE	DOMESTIC RELATIONS	TOTAL
1	BROADWATER	2	39	74	0	0	1	4	1	14	40	175
1	LEWIS AND CLARK	28	401	1,470	69	4	22	208	48	113	863	3,226
	District Subtotal	30	440	1,544	69	4	23	212	49	127	903	3,401
2	SILVER BOW	13	177	260	66	5	18	52	48	130	243	1,012
	District Subtotal	13	177	260	66	5	18	52	48	130	243	1,012
3	DEER LODGE	6	74	75	136	0	2	22	4	20	67	406
3	GRANITE	1	5	37	0	0	0	0	0	11	15	69
3	POWELL	2	77	97	2	0	0	13	0	39	32	262
	District Subtotal	9	156	209	138	0	2	35	4	70	114	737
4	MINERAL	2	30	71	0	0	3	27	2	6	42	183
4	MISSOULA	64	738	1,392	97	0	85	130	107	243	835	3,691
	District Subtotal	66	768	1,463	97	0	88	157	109	249	877	3,874
5	BEAVERHEAD	8	46	104	3	0	5	8	4	26	63	267
5	JEFFERSON	4	42	151	1	1	4	8	1	16	59	287
5	MADISON	3	23	100	3	1	0	2	1	24	30	187
	District Subtotal	15	111	355	7	2	9	18	6	66	152	741
6	PARK	10	125	261	9	0	16	29	0	56	105	611
6	SWEET GRASS	3	7	40	0	0	0	1	1	9	15	76
	District Subtotal	13	132	301	9	0	16	30	1	65	120	687
7	DAWSON	9	78	92	52	2	4	37	1	42	67	384
7	MCCONE	1	4	21	0	0	0	0	0	18	1	45
7	PRAIRIE	0	2	15	0	0	5	1	0	9	2	34
7	RICHLAND	6	28	103	8	0	7	15	0	62	61	290
7	WIBAUX	0	4	48	0	0	1	0	1	11	8	73
	District Subtotal	16	116	279	60	2	17	53	2	142	139	826
8	CASCADE	69	486	2,085	25	9	10	191	88	321	728	4,012
	District Subtotal	69	486	2,085	25	9	10	191	88	321	728	4,012
9	GLACIER	2	79	112	0	1	2	18	4	36	77	331
9	PONDERA	13	13	54	0	0	0	8	0	30	32	140
9	TETON	4	10	34	0	0	1	11	2	20	29	111
9	TOOLE	4	49	37	1	1	3	5	6	41	24	171
	District Subtotal	13	151	237	1	2	6	42	12	127	162	753
10	FERGUS	15	84	160	6	0	49	25	31	61	59	490
10	JUDITH BASIN	1	1	31	0	0	3	1	0	14	9	60
10	PETROLEUM	0	2	11	0	0	0	0	0	0	0	13
	District Subtotal	16	87	202	6	0	52	26	31	75	68	563
11	FLATHEAD	49	461	1,222	39	3	19	94	63	162	603	2,715
	District Subtotal	49	461	1,222	39	3	19	94	63	162	603	2,715
12	CHOUTEAU	5	29	48	1	0	2	2	2	38	29	156
12	HILL	5	169	142	16	1	4	65	35	75	121	633
12	LIBERTY	1	4	6	1	0	1	0	2	16	6	37
	District Subtotal	11	202	196	18	1	7	67	39	129	156	826
13	BIG HORN	8	86	107	0	1	0	12	20	28	78	340
13	CARBON	3	17	124	2	0	2	6	3	52	33	242
13	STILLWATER	0	28	84	0	0	5	7	1	24	31	180
13	YELLOWSTONE	93	1,154	1,815	178	29	43	199	356	246	1,403	5,516
	District Subtotal	104	1,285	2,130	180	30	50	224	380	350	1,545	6,278
14	GOLDEN VALLEY	2	2	14	0	0	0	0	0	3	1	20
14	MEAGHER	0	10	29	0	0	1	9	0	6	17	74
14	MUSSELSHELL	1	27	78	1	0	3	6	3	22	28	169
14	WHEATLAND	1	15	34	0	0	1	3	0	11	8	73
	District Subtotal	4	54	155	1	0	5	18	3	42	54	336
15	DANIELS	1	3	25	0	0	0	7	2	14	9	61
15	ROOSEVELT	1	2	50	0	0	1	9	2	20	24	109
15	SHERIDAN	2	11	42	1	0	0	20	0	42	3	121
	District Subtotal	4	16	117	1	0	1	36	4	76	36	291
16	CARTER	0	0	22	0	0	0	0	0	9	0	31
16	CLUSTER	11	98	155	9	3	4	32	53	56	85	506
16	FALLON	2	20	38	0	0	0	3	6	19	16	104
16	GARFIELD	3	3	6	0	0	0	0	0	8	4	24
16	POWDER RIVER	0	15	16	0	0	0	0	1	4	7	43
16	ROSEBUD	2	73	80	1	0	5	31	16	21	51	280
16	TREASURE	0	8	29	0	0	0	1	0	5	3	46
	District Subtotal	18	217	346	10	3	9	67	76	122	166	1,034
17	BLAINE	2	24	73	1	0	2	13	3	53	33	204
17	PHILLIPS	3	25	57	8	0	2	7	0	34	22	158
17	VALLEY	1	19	85	6	0	2	5	0	35	34	187
	District Subtotal	6	68	215	15	0	6	25	3	122	89	549
18	GALLATIN	27	276	651	16	1	10	48	13	93	383	1,518
	District Subtotal	27	276	651	16	1	10	48	13	93	383	1,518
19	LINCOLN	26	165	241	5	1	5	86	17	34	156	736
	District Subtotal	26	165	241	5	1	5	86	17	34	156	736
20	LAKE	26	180	289	3	0	20	38	41	82	225	904
20	SANDERS*	12	55	143	1	22	0	32	0	39	55	359
	District Subtotal	38	235	432	4	22	20	70	41	121	280	1,263
21	RAVALLI	25	178	501	0	3	12	53	13	73	177	1,035
	District Subtotal	25	178	501	0	3	12	53	13	73	177	1,035
	TOTAL	572	5,281	13,141	767	88	385	1,604	1,002	2,696	7,151	33,182

*1997 data used

TABLE 8
DISTRICT COURT INFORMATION

JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	POP.
1	Thomas C. Honzel Dorothy McCarter Jeffrey M. Sherlock	Judy Gillespie Nancy Sweeney	Broadwater Lewis & Clark	4,669	57,357
2	James E. Purcell John W. Whelan	Lori A. Maloney	Silver Bow	715	34,634
3	Ted L. Mizner	Susan McNeil Beverly L. Kulaski Sharon Applegate	Deer Lodge Granite Powell	4,888	19,793
4	Douglas G. Harkin John S. Henson John W. Larson Edward P. McLean	Cheryle Demmon Kathleen "Kade" Breuer	Mineral Missoula	3,834	92,242
5	Frank M. Davis	Sheila Brunkhorst Marilyn J. Stevens Bundy K. Bailey	Beaverhead Jefferson Madison	10,731	25,585
6	William Nels Swandal	June Little Deanna Novotny	Park Sweet Grass	4,466	19,580
7	Richard A. Sumontom Richard G. Phillips	Ardelle Adams Trudy Kirkegard Lisa Kimmet Arlene Riggs Michael W. Schneider	Dawson McCone Prairie Richland Wibaux	9,676	23,991
8	Margaret Johnson Thomas M. McKittrick Kenneth R. Neill	Nancy J. Morton	Cascade	2,661	81,087
9	Marc G. Buyske	Diane D. Anderson Anita Vandolah Emile Kimmet Carol Swoboda	Glacier Pondera Teton Toole	8,853	30,308
10	John Christensen	Phyllis D. Smith Acelia "Ann" Leach Bonny L. Allen	Fergus Judith Basin Petroleum	7,777	15,508
11	Katherine R. Curtis Ted O. Lympus	Peg L. Allison	Flathead	5,137	71,253
12	John Warner	Terrianne Andreasen Dena Tippets Patricia "Pat" Seidlitz	Chouteau Hill Liberty	8,293	25,402
13	Maurice R. Colberg, Jr. G. Todd Baugh Russell C. Fagg Susan P. Watters Diane G. Barz	Jamice Heath Gayle M. Strausburg Jean Bare Jean A. Thompson	Big Horn Carbon Stillwater Yellowstone	11,525	155,175
14	Roy C. Rodeghiero	Kathleen Ott Donna Morris Connie Mattfield Janet Hill	Golden Valley Meagher Missoula Wheatland	6,837	9,877
15	David Cybulski	Patricia McDonnell Patricia Stennes Cheryl A. Olson	Danels Roosevelt Sheridan	5,501	17,564
16	Joe L. Hegel Gary L. Day	Carole Carey Bernice Matthews Jerrie Newell Connie Nielsen Arlynn Archer Marilyn Hollister Ruth Baker	Carter Custer Fallon Garfield Powder River Rosebud Treasure	22,480	31,429
17	John C. McKeon	Kay Johnson Frances M. Webb Patricia A. Hill	Blaine Phillips Valley	14,499	20,502
18	Michael Salvagni Thomas A. Olson	Lorraine Van Ausdol	Gallatin	2,517	60,565
19	Michael Prezeau	Nadine Pival	Lincoln	3,714	18,833
20	C. B. McNeil	Katherine E. Pedersen Dianne Triplett	Lake Sanders	4,268	35,061
21	Jeffrey H. Langton	Debbie Harmon	Ravalli	2,382	33,586

The average number of cases per district court judge is presented in Table 9, by judicial district.

TABLE 9 AVERAGE NUMBER OF CASE DISPOSITIONS PER JUDGE IN EACH JUDICIAL DISTRICT 1998		
Judicial District	No. of Judges per District	Average No. of Cases per Judge
1	3	1,134
2	2	506
3	1	737
4	4	969
5	1	741
6	1	687
7	2	413
8	3	1,337
9	1	753
10	1	563
11	2	1,358
12	1	826
13	5	1,256
14	1	336
15	1	291
16	2	517
17	1	549
18	2	759
19	1	736
*20	1	1,263
21	1	1,035
* Average number of cases for district 20 are based on 1998 figures for Lake County and 1997 figures for Sanders County.		

Courts of Limited Jurisdiction

Courts of Limited Jurisdiction are Justice Courts, City Courts and Municipal Courts. Judges of Justice and Municipal Courts must be elected; City Court judges may be elected or appointed. All judges of these courts serve four-year terms. Justice of the Peace and City Court Judges are not required to be attorneys; Municipal Court Judges must be licensed attorneys. All judges of Courts of Limited Jurisdiction are required to attend two Supreme Court supervised training courses each year.

There were 87 city courts, 70 justice courts, and 4 municipal courts in operation in 1998. Justice and municipal courts have concurrent jurisdiction; municipal courts have exclusive original jurisdiction in local ordinances and other areas formerly served by a city court. Municipal courts also have concurrent jurisdiction with District Courts in matters addressed under Title 70, chapters 24 -27, MCA (residential and commercial landlord/tenant issues and issues of forcible entry and detainer). City courts have concurrent jurisdiction with justice courts and exclusive jurisdiction over city ordinances, collection of taxes or assessments in amounts less than \$5,000, actions for the recovery of personal property belonging to the city and actions for collection of local license fees (see 3-11-103, MCA).

Information concerning the number and characteristics of 1998 limited jurisdiction court caseloads is presented and discussed below. Tables 10 through 14 present summaries of caseload statistics reported by Montana's Courts of Limited Jurisdiction in calendar year 1998. Not all limited jurisdiction courts provided complete data for this report.

Table 10
Courts of Limited Jurisdiction
Summary Statistics 1998

Total Cases Reported:	302,221
Largest Reported Caseload:	22,658
Average of the 10 Smallest Reported Caseloads:	17.9

Reported COLJ Cases by Case Type

<u>Type</u>	<u>Number</u>	<u>Percent Total</u>
Criminal	236,015	78.1
Civil	24,832	8.2
Small Claims	2,696	0.9
Speed/Seatbelt	38,678	12.8

The data in Table 10 show that limited jurisdiction courts processed nearly one-third of a million cases in 1998. The vast majority of those cases (78.1 percent of the total) were criminal cases. Small claims cases constituted the smallest proportion (less than one percent of the total) of reported cases. Note the disparity between the largest reported caseload and the average caseload of the ten smallest reporting courts. The state's busiest court processed over 1200 times as many cases as the average caseload of the ten courts reporting the fewest cases.

Reported criminal cases are sorted into general categories in Table 11. Less than two percent of total 1998 reported limited jurisdiction court criminal cases were felonies. Most reported misdemeanor cases fell into the "Other" category. Note that the distribution of case types was different for those courts with the largest and the smallest caseloads, with the largest caseload courts reporting a far greater proportion of city/county ordinance cases. Although MIP and DUI/Per Se cases constituted small proportions of court caseloads, the smallest caseload courts reported relatively higher proportions of such cases than did the largest caseload courts. Similar findings were evident for domestic abuse and transaction with minors cases.

Table 11
Summary of Criminal Cases
by Selected Case Type
1998

Type	-----PERCENT TOTAL-----		
	All Courts	Largest 10	Smallest 10
Felony	1.7	2.2	3.9
Misdemeanor	98.3	97.8	96.1
<u>Non-Felony Criminal Subsets</u>			
DUI/Per Se	2.9	2.3	5.1
City/County Ordinance	9.6	14.6	5.4
MIP	3.9	3.7	6.6
Domestic Abuse	1.0	1.0	3.9
Unlawful Trans. w/ Minor	0.1	0.1	3.9
Other Misdemeanor	82.5	78.3	75.1

Table 12
Summary of Sources
of Reported Criminal Cases
1998

Source	-----PERCENT TOTAL-----		
	All Courts	Largest 10	Smallest 10
Highway Patrol	27.0	20.3	56.1
City Police	46.1	56.5	8.6
Sheriff	13.9	12.0	10.5
Fish, Wildlife and Parks	2.0	1.5	17.8
City/County Attorney	6.0	5.2	3.3
All Others	4.9	4.4	3.8

The sources of 1998 criminal cases in courts of limited jurisdiction are identified in Table 12. Note that City Police accounted for more than half of the cases in the courts reporting the largest caseloads, while the Highway Patrol accounted for almost the same proportion of cases in the courts reporting the smallest caseloads. Small caseload courts, typically those in rural areas, reported far higher proportions of cases from Fish, Wildlife and Parks violations than did courts with larger caseloads.

Numbers and categories of 1998 civil cases processed by courts of limited jurisdiction are identified in Table 13, for all courts and for those courts reporting the largest and smallest caseloads. Note that the smallest caseload courts reported far higher proportions of Landlord/Tenant, contract and tort cases than do the largest caseload courts and those courts between the two extremes. The largest caseload courts reported far higher proportions of credit/debt cases and "other" cases than did the smallest caseload courts. Note also that, for most case types, the smallest caseload courts processed an average of less than one civil case a month. Reported case numbers indicate that the vast majority of civil cases are processed by the largest caseload courts. Fifty-seven percent of all reporting limited jurisdiction courts processed Order of Protection cases; fewer than forty percent of all reporting courts processed any other type of civil case and only sixteen percent reported Tort cases in 1998.

Table 13
Summary of Reported Civil Cases
by Selected Case Types
1998

<u>Type</u>	<u>All Courts</u>	<u>Largest 10</u>	<u>Smallest 10</u>	----- PERCENT TOTAL -----		
				<u>All</u>	<u>Largest</u>	<u>Smallest</u>
Landlord/Tenant	1,700	1,213	10	7.4	6.7	13.2
Credit/Debt	9,149	6,880	19	39.8	38.0	25.0
Orders of Protection	2,908	1,682	10	12.6	9.3	13.2
Contracts	1,230	824	12	5.3	4.6	15.8
Torts	270	211	15	1.2	1.2	19.7
Other	7,750	7,278	10	33.7	40.2	13.2

Table 14 presents additional data indicating the wide disparity of caseloads among courts of limited jurisdiction. Note that the ten courts with the largest caseloads accounted for nearly half of criminal and total reported cases and nearly three-quarters of all reported civil and small claims cases in 1998.

Tables 15 through 18 present reported caseload statistics for individual courts, arranged by county. Total caseloads and the numbers of general categories of cases for each reporting court are identified in Table 15. Sixty-nine of all limited jurisdiction courts (43 percent) reported caseloads that averaged less than one case per day. Nine courts reported no cases at all. The ten busiest reporting courts averaged about 39 cases a day. Only two of reporting courts had no criminal cases. Sixty-two of the reporting courts had no civil cases in 1998; only 60 reporting courts processed small claims cases.

Table 14
Percent Total Limited Jurisdiction
Court Cases Reported by the Ten
Busiest Courts, by Case Type
1998

<u>Type</u>	<u>Percent Total</u>
All Cases	46.8
Criminal Cases	49.3
Civil Cases	70.7
Small Claims	70.0
Speed/Seatbelt	36.9

TABLE 15
REPORTED 1998 CASELOAD STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT
BEAVERHEAD	Justice - Dillon	2,002	1,332	163	28	479
	City - Dillon	1,011	943	0	1	68
	Both - Lima	427	426	0	1	0
	SUBTOTAL	3,440	2,701	163	29	547
BIGHORN	Justice - Hardin	2,586	1,846	65	28	647
	Hardin City	1,661	1,642	0	0	19
	SUBTOTAL	4,247	3,488	65	28	666
BLAINE	Justice - Chinook*	1,918	1,355	42	41	480
	Justice - Harlem*	82	13	5	15	49
	City - Harlem	292	289	3	0	0
	City - Chinook	248	196	2	0	50
	SUBTOTAL	2,540	1,853	52	56	579
BROADWATER	Justice - Townsend	1,917	1,297	61	8	551
	City - Townsend	263	220	1	0	42
	SUBTOTAL	2,180	1,517	62	8	593
CARBON	Justice - Red Lodge	2,163	1,426	141	31	565
	Justice - Bridger	139	120	1	0	18
	City - Red Lodge	834	762	3	0	69
	City - Joliet	233	233	0	0	0
	City - Fromberg**	167	167	0	0	0
	City - Bridger	242	242	0	0	0
	SUBTOTAL	3,778	2,950	145	31	652
CARTER	Justice - Alzada**	64	53	8	3	0
	City - Ekalaka**	12	11	0	1	0
	SUBTOTAL	76	64	8	4	0
CASCADE	Justice - Great Falls	12,618	8,989	2,567	171	891
	City - Belt	50	49	0	0	1
	Municipal - Great Falls	20,583	19,774	367	0	442
	City - Cascade*	28	26	1	0	1
	SUBTOTAL	33,279	28,838	2,935	171	1,335
CHOUTEAU	Justice - Big Sandy*	11	1	0	0	10
	Justice - Fort Benton	207	33	30	25	119
	City - Big Sandy	35	35	0	0	0
	City - Fort Benton	321	286	0	0	35
	SUBTOTAL	574	355	30	25	164
CUSTER	Justice - Miles City	3,117	1,927	186	66	938
	City - Miles City	2,564	2,203	73	0	288
	SUBTOTAL	5,681	4,130	259	66	1,226
DANIELS	Justice - Scobey	265	196	21	22	26
	City - Scobey	87	80	0	0	7
	SUBTOTAL	352	276	21	22	33
DAWSON	Justice - Glendive	2,989	1,812	216	248	713
	City - Glendive	1,301	1,082	16	0	203
	SUBTOTAL	4,290	2,894	232	248	916
DEER LODGE	Both - Anaconda	3,202	2,420	242	5	535
	SUBTOTAL	3,202	2,420	242	5	535
FALLON	Justice - Baker	310	233	32	11	34
	City - Baker	203	197	0	0	6
	SUBTOTAL	513	430	32	11	40
FERGUS	Justice - Lewistown	1,169	609	188	32	340
	Justice - Lewistown	583	334	85	14	150
	City - Lewistown	243	192	0	0	51
	City - Lewistown	695	405	0	0	200
	SUBTOTAL	2,690	1,540	273	46	831
FLATHEAD	Justice - Kalispell	15,718	11,641	2,191	474	1,412
	Municipal - Kalispell	4,107	3,739	58	0	310
	City - Whitefish	2,319	2,263	0	0	56
	City - Columbia Falls	2,624	2,041	20	0	563
	SUBTOTAL	24,768	19,684	2,269	474	2,341
GALLATIN	Justice - Bozeman	9,573	6,480	1,068	0	2,025
	City - W. Yellowstone	550	513	33	0	4
	City - Bozeman	11,762	9,990	119	0	1,653
	City - Three Forks	103	97	0	0	6
	City - Belgrade	461	444	1	0	16
	City - Manhattan	238	227	0	0	11
	SUBTOTAL	22,687	17,751	1,221	0	3,715
GARFIELD	Justice - Jordan	391	347	7	7	30
	SUBTOTAL	391	347	7	7	30
GLACIER	Justice - Cut Bank	1,756	1,193	120	13	430
	City - Cut Bank	896	855	0	0	41
	SUBTOTAL	2,652	2,048	120	13	471
GOLDEN VALLEY	Justice - RyeGate#	0	0	0	0	0
	City - Lava#	0	0	0	0	0
	SUBTOTAL	0	0	0	0	0

TABLE 15 - CONT.
REPORTED 1998 CASELOAD STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT
GRANITE	Justice - Philipsburg	1,058	659	55	10	334
	Justice - Drummond	1,522	1,051	19	0	452
	City - Drummond	10	7	0	0	3
	City - Philipsburg	139	113	0	0	26
	SUBTOTAL	2,729	1,830	74	10	815
HILL	Justice - Havre	3,999	3,112	405	4	478
	City - Havre	4,171	3,516	33	0	622
	SUBTOTAL	8,170	6,628	438	4	1,100
JEFFERSON	Justice - Boulder	3,457	2,214	122	25	1,096
	City - Boulder	238	224	0	0	14
	City - Whitehall	168	168	0	0	0
	SUBTOTAL	3,863	2,606	122	25	1,110
JUDITH BASIN	Justice - Stanford	1,031	705	17	4	305
	Justice - Hobson	353	312	4	4	33
	SUBTOTAL	1,384	1,017	21	8	338
LAKE	Justice - Polson	4,260	2,843	400	0	1,017
	City - Polson	1,008	883	9	0	116
	City - St. Ignatius	141	139	1	1	0
	City - Ronan	670	512	4	0	154
	SUBTOTAL	6,079	4,377	414	1	1,287
LEWIS&CLARK	Justice - Helena	8,530	5,556	1,272	16	1,686
	City - Helena	9,762	8,524	20	0	1,218
	City - East Helena*	261	173	0	0	88
	SUBTOTAL	18,553	14,253	1,292	16	2,992
LIBERTY	Both - Chester	408	208	13	0	187
LINCOLN	Justice - Libby	3,363	2,472	387	105	399
	Justice - Eureka	1,145	632	128	269	116
	City - Libby*	0	0	0	0	0
	City - Eureka	108	102	0	0	6
	City - Troy	568	552	10	0	6
	SUBTOTAL	5,184	3,758	525	374	527
MADISON	Justice - Virginia City	1,270	1,104	58	12	96
	City - Etna	28	0	28	0	0
	SUBTOTAL	1,298	1,104	86	12	96
MCCONE	Justice - Circle	609	425	16	0	168
	City - Circle	54	48	0	0	6
	SUBTOTAL	663	473	16	0	174
MEAGHER	Justice - WSS	457	343	22	10	82
	City - WSS	94	85	0	0	9
	SUBTOTAL	551	428	22	10	91
MINERAL	Justice - Superior	3,961	3,474	76	0	411
	City - Alberton#	0	0	0	0	0
	City - Superior	113	105	0	0	8
	SUBTOTAL	4,074	3,579	76	0	419
MISSOULA	Justice - Missoula	6,578	4,970	976	107	525
	Justice - Missoula	6,233	4,891	705	80	557
	Municipal - Missoula	21,931	17,839	1,767	0	2,325
	SUBTOTAL	34,742	27,700	3,448	187	3,407
MUSSELSHELL	Justice - Roundup	1,151	671	98	15	367
	City - Melstone	14	0	0	0	14
	City - Roundup	253	61	0	0	192
	SUBTOTAL	1,418	732	98	15	573
PARK	Justice - Livingston	3,747	2,685	327	0	735
	City - Livingston	1,431	1,139	29	0	263
	SUBTOTAL	5,178	3,824	356	0	998
PETROLEUM	Justice - Winnett	75	70	3	1	1
	City - Winnett	0	0	0	0	0
	SUBTOTAL	75	70	3	1	1
PHILLIPS	Justice - Malta	994	813	72	5	104
	City - Malta	142	141	0	0	1
	SUBTOTAL	1,136	954	72	5	105
PONDERA	Justice - Conrad	985	691	67	17	210
	City - Conrad/Valier	305	301	2	0	2
	SUBTOTAL	1,290	992	69	17	212
POWDER RIVER	Justice - Broadus	673	577	21	9	66
	City - Broadus	7	5	0	2	0
	SUBTOTAL	680	582	21	11	66
POWELL	Justice - Deer Lodge	2,182	1,564	179	0	439
	City - Deer Lodge	633	602	0	0	31
	SUBTOTAL	2,815	2,166	179	0	470
PRAIRIE	Justice - Terry	725	510	13	2	200
	City - Terry*	32	30	0	0	2
	SUBTOTAL	757	540	13	2	202

TABLE 15 - CONT.
REPORTED 1998 CASELOAD STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT
RAVALLI	Justice - Hamilton	3,039	2,572	299	0	168
	Justice - Hamilton	2,981	2,422	395	12	152
	City - Pinesdale#	0	0	0	0	0
	City - Hamilton	2,133	1,488	30	0	615
	City - Stevensville	450	360	0	0	90
	City - Darby	482	348	0	0	134
	SUBTOTAL	9,085	7,190	724	12	1,159
RICHLAND	Justice - Sidney	1,541	964	238	23	316
	City - Fairview	311	230	0	0	81
	City - Sidney	877	793	1	0	83
	SUBTOTAL	2,729	1,987	239	23	480
ROOSEVELT	Justice - Wolf Point	680	440	74	11	155
	Justice - Culbertson	1,309	869	9	0	431
	City - Wolf Point	186	173	1	0	12
	City - Poplar	49	30	0	0	19
	City - Culbertson	62	56	0	0	6
	SUBTOTAL	2,286	1,568	84	11	623
ROSEBUD	Justice - Forsyth	1,057	826	71	32	128
	Justice - Colstrip	1,593	1,032	27	17	517
	City - Forsyth	163	153	0	0	10
	SUBTOTAL	2,813	2,011	98	49	655
SANDERS	Justice - Thompson Falls	1,728	1,434	224	4	66
	City - Thompson Falls	235	229	0	4	2
	City - Plains	285	284	0	0	1
	City - Hot Springs	106	106	0	0	0
	SUBTOTAL	2,354	2,053	224	8	69
SHERIDAN	Justice - Plentywood/Westby	648	441	31	37	139
	City - Plentywood	124	122	0	0	2
	SUBTOTAL	772	563	31	37	141
SILVER BOW	Justice - Butte	3,810	1,677	1,820	74	239
	Justice - Butte	2,613	1,688	481	76	368
	City - Butte	6,568	5,647	1	0	920
	SUBTOTAL	12,991	9,012	2,302	150	1,527
STILLWATER	Justice - Columbus	2,193	1,621	172	51	349
	City - Columbus	341	341	0	0	0
	SUBTOTAL	2,534	1,962	172	51	349
SWEET GRASS	Justice - Big Timber	1,269	852	50	0	367
	City - Big Timber	100	88	0	0	12
	SUBTOTAL	1,369	940	50	0	379
TETON	Justice - Chouteau	552	282	67	35	168
	City - Chouteau	147	115	0	0	32
	City - Dutton	0	0	0	0	0
	City - Fairfield	0	0	0	0	0
	SUBTOTAL	699	397	67	35	200
TOOLE	Justice - Shelby	2,407	2,088	95	4	420
	City - Shelby	225	212	0	0	13
	SUBTOTAL	2,832	2,300	95	4	433
TREASURE	Justice - Hysham	971	685	9	6	271
	City - Hysham	43	41	0	0	2
	SUBTOTAL	1,014	726	9	6	273
VALLEY	Justice - Glasgow#	0	0	0	0	0
	City - Glasgow	511	465	15	0	31
	City - Nashua	18	18	0	0	0
	City - Fort Peck	19	16	1	1	1
	SUBTOTAL	548	499	16	1	32
WHEATLAND	Justice - Harlowtown	595	410	8	6	171
	City - Harlowtown	144	144	0	0	0
	SUBTOTAL	739	554	8	6	171
WIBAUX	Justice - Wibaux	394	354	11	5	24
	City - Wibaux	125	125	0	0	0
	SUBTOTAL	519	479	11	5	24
YELLOWSTONE	Justice - Laurel	8,261	4,772	2,561	180	748
	Justice - Billings	8,341	4,662	2,640	176	863
	City - Laurel	1,290	1,284	0	0	6
	Municipal - Billings	22,658	21,949	7	0	702
	SUBTOTAL	40,550	32,667	5,208	356	2,319
TOTAL		302,221	236,015	24,832	2,696	38,678

*Reported caseload data for 11 of 12 months

**Reported caseload data for 10 of 12 months

#Did not report

Table 16 contains selected categories of the reported 1998 criminal caseloads of individual courts, arranged by county. The following are some highlights from Table 16:

- About 47 percent of reporting courts (75) experienced a felony case in 1998, only four reporting courts processed more than one felony case per day in 1998, and most courts (142) reported fewer than one felony case per week;
- Eighty percent of reporting courts processed DUI/per se caseloads that would average one or fewer cases per week, only two courts reported DUI/per se caseloads that would average more than one such case per day, and nineteen courts reported no cases of this type;
- Twenty-one courts reported no minor in possession (MIP) cases during the year, 120 (74.5 percent) reported one or fewer such cases per week, four courts reported MIP caseloads averaging more than one such case a day, and the busiest averaged 3.7 MIP cases a day;
- The vast majority of courts (149) reported an average of fewer than one domestic abuse case per week, and no court reported a domestic abuse caseload that would have averaged more than one such case per day;
- Only seven courts reported unlawful transaction with a minor caseloads that equaled or exceeded 10 such cases per year; one court reported a maximum of 20 such cases in 1998.

1998 Annual Report of the Montana Judiciary

TABLE 16
REPORTED 1998 CRIMINAL CASE STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL FELONY	TOTAL MISDEMEANOR	DUL/ PER SE	CITY/COUNTY ORDINANCE	MINOR IN POSSESSION	DOMESTIC ABUSE	UNLAWFUL TRANS. W/ A MINOR
BEAVERHEAD	Justice - Dillon	37	1,295	53	123	11	15	20
	City - Dillon	0	943	36	96	144	5	2
	Both - Lima	0	422	0	0	0	0	0
	SUBTOTAL	37	2,660	89	219	155	20	22
BIGHORN	Justice - Hardin	11	1,833	90	888	53	5	3
	Hardin City	0	1,642	66	1,075	224	49	6
	SUBTOTAL	11	3,475	156	1,963	277	54	9
BLAINE	Justice - Chinook*	25	1,330	71	0	32	5	3
	Justice - Harlem*	0	69	13	0	1	0	0
	City - Harlem	7	282	21	12	23	2	0
	City - Chinook	1	193	6	2	12	3	0
	SUBTOTAL	33	1,874	111	14	68	10	3
BROADWATER	Justice - Townsend	10	1,287	55	0	42	8	1
	City - Townsend	0	220	7	18	15	1	1
	SUBTOTAL	10	1,507	62	18	57	9	2
CARBON	Justice - Red Lodge	20	1,406	54	0	39	5	1
	Justice - Bridger	0	120	6	0	10	0	2
	City - Red Lodge	0	762	56	3	40	5	8
	City - Joliet	0	233	6	32	0	0	0
	City - Fromberg**	0	167	2	16	3	1	0
	City - Bridger	0	133	2	6	7	7	0
	SUBTOTAL	20	2,821	126	57	99	18	11
CARTER	Justice - Alzada**	0	53	3	0	4	1	0
	City - Ekalaka**	0	11	0	0	0	0	0
	SUBTOTAL	0	64	3	0	4	1	0
CASCADE	Justice - Great Falls	532	8,457	228	636	156	90	11
	City - Belt	0	49	1	11	2	3	0
	Municipal - Great Falls	0	19,774	323	566	981	293	8
	City - Cascade*	0	26	0	2	2	0	0
	SUBTOTAL	532	28,306	552	1,215	1,141	386	19
CHOUTEAU	Justice - Big Sandy*	0	0	0	0	0	2	0
	Justice - Fort Benton	1	1,102	24	0	3	1	1
	City - Big Sandy	0	0	0	0	0	2	0
	City - Fort Benton	5	281	3	33	24	0	2
	SUBTOTAL	6	1,383	27	33	27	5	3
CUSTER	Justice - Miles City	60	275	87	1,662	77	17	1
	City - Miles City	0	2,203	177	197	159	49	10
	SUBTOTAL	60	2,478	264	1,859	236	66	11
DANIELS	Justice - Scobey	14	170	7	143	34	3	6
	City - Scobey	0	80	2	72	10	1	3
	SUBTOTAL	14	250	9	215	44	4	9
DAWSON	Justice - Glendive	40	1,722	42	3	90	18	8
	City - Glendive	11	1,078	58	18	238	23	16
	SUBTOTAL	51	2,800	100	21	328	41	24
DEER LODGE	Both - Anaconda	70	2,502	106	79	121	52	4
	SUBTOTAL	70	2,502	106	79	121	52	4
FALLON	Justice - Baker	0	233	6	0	10	0	0
	City - Baker	0	197	3	32	19	5	2
	SUBTOTAL	0	430	9	32	29	5	2
FERGUS	Justice - Lewistown	12	1,724	62	15	137	15	0
	Justice - Lewistown	2	334	14	7	51	5	2
	City - Lewistown	2	190	18	42	20	5	0
	City - Lewistown	7	967	25	67	82	17	0
	SUBTOTAL	23	3,215	119	131	290	42	2
FLATHEAD	Justice - Kalispell	545	248	346	0	178	118	4
	Municipal - Kalispell	0	3,739	294	261	120	59	7
	City - Whitefish	0	2,263	25	512	27	7	1
	City - Columbia Falls	0	2,041	109	0	30	35	1
	SUBTOTAL	545	8,291	774	773	355	219	13
GALLATIN	Justice - Bozeman	76	6,404	237	40	136	56	0
	City - W. Yellowstone	0	513	34	369	29	21	0
	City - Bozeman	0	9,990	292	1,864	580	29	14
	City - Three Forks	0	83	8	25	48	7	0
	City - Belgrade	0	385	27	127	46	19	0
	City - Manhattan	0	227	7	29	1	5	0
	SUBTOTAL	76	17,602	605	2,454	840	137	14
GARFIELD	Justice - Jordan	3	27	8	0	11	2	0
	SUBTOTAL	3	27	8	0	11	2	0
GLACIER	Justice - Cut Bank	63	1,130	46	0	36	8	16
	City - Cut Bank	0	855	36	62	67	44	3
	SUBTOTAL	63	1,985	82	62	103	52	19
GOLDEN VALLEY	Justice - Ryegate#	0	0	0	0	0	0	0
	City - Lavina#	0	0	0	0	0	0	0
	SUBTOTAL	0	0	0	0	0	0	0

TABLE 16 - CONT.
REPORTED 1998 CRIMINAL CASE STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL FELONY	TOTAL MISDEMEANOR	DUI/ PER SE	CITY/COUNTY ORDINANCE	MINOR IN POSSESSION	DOMESTIC ABUSE	UNLAWFUL TRANS. W/ A MINOR
GRANITE	Justice - Philipsburg	7	652	25	0	38	9	0
	Justice - Drummond	1	1,050	3	0	7	0	0
	City - Drummond	0	7	0	0	0	0	0
	City - Philipsburg	0	113	3	0	5	0	1
	SUBTOTAL	8	1,822	31	0	50	9	1
HILL	Justice - Havre	87	3,040	75	2	142	20	2
	City - Havre	0	3,516	83	0	281	85	4
	SUBTOTAL	87	6,556	158	2	423	105	6
JEFFERSON	Justice - Boulder	9	2,038	73	4	90	7	3
	City - Boulder	2	222	13	32	23	4	0
	City - Whitehall	4	164	4	28	21	3	0
	SUBTOTAL	15	2,424	90	64	134	14	3
JUDITH BASIN	Justice - Stanford	0	705	16	1	12	2	1
	Justice - Hobson	2	277	8	0	7	2	1
	SUBTOTAL	2	982	24	1	19	4	2
LAKE	Justice - Polson	118	2,725	153	0	30	23	1
	City - Polson	0	883	58	9	49	21	1
	City - St. Ignatus	0	139	5	10	8	0	0
	City - Ronan	0	512	54	1	19	4	0
	SUBTOTAL	118	4,259	270	20	106	48	2
LEWIS&CLARK	Justice - Jewell	350	5,206	251	0	313	66	7
	City - Helena	0	8,524	332	431	792	131	7
	City - East Helena*	0	173	12	14	24	1	0
	SUBTOTAL	350	13,903	595	445	1,129	198	14
LIBERTY	Both - Chester	2	221	6	6	6	3	1
LINCOLN	Justice - Libby	111	2,479	10	54	50	34	0
	Justice - Eureka	13	619	25	1	2	4	0
	City - Libby	0	497	33	318	32	6	0
	City - Eureka	0	102	4	5	6	3	0
	City - Troy	0	552	17	31	5	7	1
	SUBTOTAL	124	4,249	89	409	95	54	1
MADISON	Justice - Virginia City	20	1,151	36	1	56	13	0
	City - Ennis	0	93	3	21	3	0	1
	SUBTOTAL	20	1,244	39	22	59	13	1
MCCONE	Justice - Circle	0	425	11	9	11	0	1
	City - Circle	0	48	1	24	13	0	1
	SUBTOTAL	0	473	12	33	24	0	2
MEAGHER	Justice - WSS	2	341	9	2	12	7	0
	City - WSS	0	85	4	0	12	5	0
	SUBTOTAL	2	426	13	2	24	12	0
MINERAL	Justice - Superior	42	3,432	60	0	10	22	4
	City - Alberton	0	0	0	0	0	0	0
	City - Superior	1	104	7	18	11	3	1
	SUBTOTAL	43	3,536	67	18	21	25	5
MISSOULA	Justice - Missoula	259	4,711	104	4,145	155	30	1
	Justice - Missoula	240	4,651	87	4,024	169	39	0
	Municipal - Missoula	1	17,838	280	2,144	1,342	183	8
	SUBTOTAL	500	27,200	471	10,313	1,666	252	9
MUSSELSHELL	Justice - Roundup	8	671	30	0	0	8	0
	City - Melstone	0	21	0	0	0	2	0
	City - Roundup	0	59	28	0	56	10	0
	SUBTOTAL	8	751	58	0	56	20	0
PARK	Justice - Livingston	162	2,523	101	0	62	26	1
	City - Livingston	0	1,139	51	0	75	23	0
	SUBTOTAL	162	3,662	152	0	137	49	1
PETROLEUM	Justice - Winnett	2	68	1	1	3	0	0
	City - Winnett	0	0	0	0	0	0	0
	SUBTOTAL	2	68	1	1	3	0	0
PHILLIPS	Justice - Winnett	11	751	19	683	30	2	3
	City - Malta	0	141	1	0	31	8	5
	SUBTOTAL	11	892	20	683	61	10	8
PONDERA	Justice - Conrad	14	877	19	0	8	4	3
	City - Conrad/Valer	0	301	13	57	38	9	6
	SUBTOTAL	14	1,178	32	57	46	13	9
POWDER RIVER	Justice - Broadus	10	567	17	0	8	2	0
	City - Broadus	0	5	0	1	0	0	0
	SUBTOTAL	10	572	17	1	8	2	0
POWELL	Justice - Deer Lodge	27	1,537	35	0	29	7	0
	City - Deer Lodge	0	602	24	110	63	7	1
	SUBTOTAL	27	2,139	59	110	92	14	1
PRAIRIE	Justice - Terry	27	483	9	0	10	1	2
	City - Terry*	2	24	0	0	0	0	0
	SUBTOTAL	29	507	9	0	10	1	2

TABLE 16 - CONT.
REPORTED 1998 CRIMINAL CASE STATISTICS
BY COUNTY

COUNTY	COURT	TOTAL FELONY	TOTAL MISDEMEANOR	DUI/ PER SE	CITY/COUNTY ORDINANCE	MINOR IN POSSESSION	DOMESTIC ABUSE	UNLAWFUL TRANS. W/ A MINOR
RAVALI	Justice - Hamilton	77	2,495	89	0	59	43	0
	Justice - Hamilton	39	2,383	93	0	30	30	0
	City - Pinedale#	0	0	0	0	0	0	0
	City - Hamilton	0	1,488	61	75	30	19	3
	City - Stevensville	0	360	5	190	19	2	0
	City - Darby	0	348	6	41	22	6	0
	SUBTOTAL	116	7,074	254	306	160	100	3
RICHLAND	Justice - Sidney	1	963	23	0	50	3	0
	City - Fairview	0	0	13	18	45	3	4
	City - Sidney	0	793	33	12	55	9	1
	SUBTOTAL	1	1,756	69	30	150	15	5
ROOSEVELT	Justice - Wolf Point	20	420	17	0	3	3	2
	Justice - Culbertson	0	869	11	0	22	1	4
	City - Wolf Point	1	172	4	0	18	7	0
	City - Duplar	0	30	4	0	0	0	0
	City - Culbertson	0	56	1	0	2	1	0
	SUBTOTAL	21	1,547	37	0	45	12	6
ROSEBUD	Justice - Forsyth	14	812	26	0	6	5	0
	Justice - Colstrip	13	1,021	50	20	55	11	0
	City - Forsyth	0	153	6	17	4	0	2
	SUBTOTAL	27	1,986	82	37	65	16	2
SANDERS	Justice - Thompson Falls	109	1,325	28	0	44	47	5
	City - Thompson Falls	6	223	4	21	7	7	0
	City - Plains	2	282	12	11	12	2	0
	City - Hot Springs	9	97	7	0	8	2	0
	SUBTOTAL	126	1,927	51	32	71	58	5
SHERIDAN	Justice - Plentywood/Westby	10	431	20	0	31	0	1
	City - Plentywood	0	100	7	3	35	2	0
	SUBTOTAL	10	531	27	3	66	2	1
SILVER BOW	Justice - Butte	131	40	31	0	1	17	0
	Justice - Butte	108	29	32	0	1	9	4
	City - Butte	6	5,641	383	211	236	126	5
	SUBTOTAL	245	5,710	446	211	238	152	9
STILLWATER	Justice - Columbus	31	1,590	62	0	58	22	2
	City - Columbus	0	277	20	21	21	2	0
	SUBTOTAL	31	1,867	82	21	79	24	2
SWEET GRASS	Justice - Big Timber	2	850	55	0	22	4	2
	City - Big Timber	0	88	14	16	0	0	0
	SUBTOTAL	2	938	69	16	22	4	2
TETON	Justice - Chouteau	7	282	19	0	45	3	9
	City - Chouteau	0	111	11	0	11	6	3
	City - Dutton	0	0	0	0	0	0	0
	City - Fairfield	0	0	0	0	0	0	0
	SUBTOTAL	7	393	30	0	56	9	12
TOOLE	Justice - Shelby	31	2,057	43	31	95	11	3
	City - Shelby	1	211	9	0	14	6	1
	SUBTOTAL	32	2,268	52	31	109	17	4
TREASURE	Justice - Hysham	1	684	13	4	6	0	1
	City - Hysham	0	41	1	6	11	0	0
	SUBTOTAL	1	725	14	10	17	0	1
VALLEY	Justice - Glasgow#	0	0	0	0	0	0	0
	City - Glasgow	0	465	15	47	44	8	2
	City - Nashua	0	18	0	3	2	0	0
	City - Fort Peck	0	15	4	2	0	0	0
	SUBTOTAL	0	498	19	52	46	8	2
WHEATLAND	Justice - Harlowtown	1	407	4	0	8	3	0
	City - Harlowtown	0	144	6	0	11	1	0
	SUBTOTAL	1	551	10	0	19	4	0
WIBAUX	Justice - Wibaux	0	354	0	0	35	0	0
	City - Wibaux	0	125	1	17	70	0	0
	SUBTOTAL	0	479	1	17	105	0	0
YELLOWSTONE	Justice - Laurel	439	4,333	226	0	181	46	2
	Justice - Billings	431	4,231	225	0	176	21	4
	City - Laurel	0	1,056	86	228	106	32	14
	Municipal - Billings	0	21,949	549	3,781	357	332	4
	SUBTOTAL	870	31,569	1,086	4,009	820	431	24
TOTALS		4,578	218,603	7,744	26,107	10,422	2,821	313

*Reported case load data for 11 of 12 months

**Reported case load data for 10 of 12 months

#Did not report

TABLE 17
REPORTED 1998 SOURCES OF CRIMINAL CASES
BY COUNTY

COUNTY	COURT	HIGHWAY PATROL	CITY POLICE	SHERIFF	FW&P	CITY/COUNTY ATTORNEY	ALL OTHERS
BEAVERHEAD	Justice - Dillon	617	2	367	156	1,240	181
	City - Dillon	0	851	0	0	16	75
	Both - Llama	0	0	45	53	0	325
	SUBTOTAL	617	853	412	209	1,256	581
BIGHORN	Justice - Hardin	1,191	0	216	160	67	2
	City - Hardin	0	1,606	0	0	0	0
	SUBTOTAL	1,191	1,606	216	160	67	2
BLAINE	Justice - Chinoock*	919	10	313	32	73	11
	Justice - Harlem*	238	1	14	4	0	4
	City - Harlem	0	288	0	0	0	0
	City - Chinoock	0	192	0	0	0	2
	SUBTOTAL	1,157	491	327	36	73	20
BROADWATER	Justice - Townsend	834	0	258	84	114	7
	City - Townsend	0	0	148	0	11	19
	SUBTOTAL	834	0	406	84	125	26
CARBON	Justice - Red Lodge	820	0	324	248	26	8
	Justice - Bridger	127	0	10	0	0	0
	City - Red Lodge	0	762	0	0	0	0
	City - Joliet	0	233	0	0	0	0
	City - Fromberg**	0	170	0	0	0	0
	City - Bridger	0	242	0	0	0	0
	SUBTOTAL	947	1,407	334	248	26	8
CARTER	Justice - Alzada**	14	0	6	17	2	7
	City - Ekalaka**	2	9	0	0	0	0
	SUBTOTAL	16	9	6	17	2	7
CASCADE	Justice - Great Falls	4,181	793	2,903	200	483	429
	City - Belt	0	49	0	0	0	0
	Municipal - Great Falls	0	18,631	0	0	0	618
	City - Cascade*	0	0	26	0	0	0
	SUBTOTAL	4,181	19,473	2,929	200	483	1,047
CHOUTEAU	Justice - Big Sandy	63	0	16	15	4	29
	Justice - Fort Benton	742	0	227	37	19	45
	City - Big Sandy	0	0	34	0	1	0
	City - Fort Benton	0	277	0	0	8	1
	SUBTOTAL	805	277	277	52	32	75
CUSTER	Justice - Miles City	1,445	33	200	45	137	319
	City - Miles City	0	2,112	2	0	89	0
	SUBTOTAL	1,445	2,145	202	45	226	319
DANIELS	Justice - Scobey	83	0	103	0	8	7
	City - Scobey	0	0	80	0	0	0
	SUBTOTAL	83	0	183	0	8	7
DAWSON	Justice - Glendive	1,214	0	596	38	108	94
	City - Glendive	0	1,066	20	0	3	113
	SUBTOTAL	1,214	1,066	616	38	111	207
DEER LODGE	Both - Anaconda	983	1,114	0	88	316	10
	SUBTOTAL	983	1,114	0	88	316	10
FALLON	Justice - Baker	173	0	16	29	12	0
	City - Baker	0	190	0	0	7	0
	SUBTOTAL	173	190	16	29	19	0
FERGUS	Justice - Lewistown	735	0	633	83	609	0
	Justice - Lewistown	229	0	198	17	334	0
	City - Lewistown	0	245	0	0	192	0
	City - Lewistown	0	974	0	0	405	0
	SUBTOTAL	964	1,219	831	100	1,540	0
FLATHEAD	Justice - Kalispell	6,585	0	1,686	656	793	919
	Municipal - Kalispell	0	3,901	1	0	148	0
	City - Whitefish	0	2,263	0	0	0	0
	City - Columbia Falls	0	2,031	0	0	2	8
	SUBTOTAL	6,585	8,195	1,687	656	943	927
GALLATIN	Justice - Bozeman	3,762	0	1,438	152	351	894
	City - W. Yellowstone	0	484	0	0	3	4
	City - Bozeman	0	8,441	0	0	1,386	0
	City - Three Forks	0	97	0	0	0	0
	City - Belgrade	0	211	0	0	0	0
	City - Manhattan	0	214	0	0	0	0
	SUBTOTAL	3,762	9,447	1,438	152	1,740	898
GARFIELD	Justice - Jordan	233	0	96	45	6	0
	SUBTOTAL	233	0	96	45	6	0
GLACIER	Justice - Cut Bank	640	0	265	3	228	66
	City - Cut Bank	0	853	0	0	0	2
	SUBTOTAL	640	853	265	3	228	68
GOLDEN VALLEY	Justice - Ryegate#	0	0	0	0	0	0
	City - Laramie	0	0	0	0	0	0
	SUBTOTAL	0	0	0	0	0	0
GRANITE	Justice - Philipsburg	92	0	468	69	27	3
	Justice - Drummond	528	0	189	20	23	295
	City - Drummond	0	1	5	0	1	0
	City - Philipsburg	1	0	112	0	0	0
	SUBTOTAL	621	1	774	89	51	298

TABLE 17 - CONT
REPORTED 1998 SOURCES OF CRIMINAL CASES
BY COUNTY

COUNTY	COURT	HIGHWAY PATROL	CITY POLICE	SHERIFF	FW&P	CITY/COUNTY ATTORNEY	ALL OTHERS
HILL	Justice - Havre	2,210	4	543	38	194	112
	City - Havre	0	3,491	0	0	25	0
	SUBTOTAL	2,210	3,495	543	38	219	112
JEFFERSON	Justice - Boulder	1,396	0	456	104	109	0
	City - Boulder	0	211	0	0	0	0
	City - Whitehall	0	168	0	0	0	0
	SUBTOTAL	1,396	379	456	104	109	0
JUDITH BASIN	Justice - Stanford	422	0	271	55	13	6
	Justice - Hobson	200	0	112	0	2	0
	SUBTOTAL	622	0	383	55	15	6
LAKE	Justice - Polson	1,908	0	398	42	258	282
	City - Polson	0	873	0	0	0	7
	City - St. Ignatius	0	139	0	0	0	0
	City - Ronan	0	512	0	0	0	0
	SUBTOTAL	1,908	1,524	398	42	258	289
LEWIS&CLARK	Justice - Helena	2,869	0	1,423	291	694	279
	City - Helena	0	8,452	0	0	0	69
	City - East Helena*	0	274	0	0	0	0
	SUBTOTAL	2,869	8,726	1,423	291	694	348
LIBERTY	Both - Chester	29	28	113	18	10	10
LINCOLN	Justice - Libby	1,143	0	784	166	349	270
	Justice - Eureka	194	0	242	47	203	183
	City - Libby*	0	416	50	0	0	0
	City - Eureka	0	87	18	0	0	2
	City - Troy	0	529	21	0	523	478
	SUBTOTAL	1,337	1,032	1,115	213	1,075	934
MADISON	Justice - Virginia City	468	0	500	175	26	10
	City - Ennis	0	6	39	0	20	0
	SUBTOTAL	468	6	539	175	46	10
MCCONE	Justice - Circle	310	0	94	23	1	12
	City - Circle	0	51	0	0	0	10
	SUBTOTAL	310	51	94	23	1	22
MEAGHER	Justice - WSS	144	68	125	47	15	14
	City - WSS	0	0	70	1	13	1
	SUBTOTAL	144	68	195	48	28	15
MINERAL	Justice - Superior	1,518	0	464	113	29	1,172
	City - Alberton#	0	0	0	0	0	0
	City - Superior	0	0	87	0	0	18
	SUBTOTAL	1,518	0	551	113	29	1,190
MISSOULA	Justice - Missoula	2,438	0	1,864	105	311	146
	Justice - Missoula	2,400	1	1,737	71	500	159
	Municipal - Missoula	0	18,492	0	0	58	1,103
	SUBTOTAL	4,838	18,493	3,601	176	869	1,408
MUSSELSHELL	Justice - Roundup	253	0	228	34	3	0
	City - Melstone	0	0	21	0	0	0
	City - Roundup	0	0	502	1	2	0
	SUBTOTAL	253	0	751	35	5	0
PARK	Justice - Livingston	1,254	80	746	209	397	12
	City - Livingston	0	1,087	0	0	51	1
	SUBTOTAL	1,254	1,167	746	209	448	13
PETROLEUM	Justice - Winnet	21	1	10	34	4	0
	City - Winnet	0	0	0	0	0	0
	SUBTOTAL	21	1	10	34	4	0
PHILLIPS	Justice - Malta	569	0	125	62	82	56
	City - Malta	0	123	0	0	0	2
	SUBTOTAL	569	123	125	62	82	58
PONDERA	Justice - Conrad	617	1	71	25	94	83
	City - Conrad/Valer	0	264	0	0	2	53
	SUBTOTAL	617	265	71	25	96	136
POWDER RIVER	Justice - Broadus	152	0	127	57	32	206
	City - Broadus	0	0	2	0	2	0
	SUBTOTAL	152	0	129	57	34	206
POWELL	Justice - Deer Lodge	1,259	0	258	47	0	0
	City - Deer Lodge	0	602	0	0	0	0
	SUBTOTAL	1,259	602	258	47	0	0
PRAIRIE	Justice - Terry	253	0	229	1	0	20
	City - Terry*	0	0	19	0	1	0
	SUBTOTAL	253	0	248	1	1	20
RAVALLI	Justice - Hamilton	919	0	163	30	0	0
	Justice - Hamilton	878	0	84	57	0	0
	City - Pinedale#	0	0	0	0	0	0
	City - Hamilton	0	1,470	0	0	17	550
	City - Stevensville	0	441	0	0	9	0
	City - Darby	0	348	0	0	0	0
	SUBTOTAL	1,797	2,259	247	87	26	550

TABLE 17 - CONT.
REPORTED 1998 SOURCES OF CRIMINAL CASES
BY COUNTY

COUNTY	COURT	HIGHWAY PATROL	CITY POLICE	SHERIFF	FW&P	CITY/COUNTY ATTORNEY	ALL OTHERS
RICHLAND	Justice - Sidney	812	0	138	62	6	15
	City - Fairview	0	230	0	0	0	4
	City - Sidney	0	726	0	0	85	0
	SUBTOTAL	812	956	138	62	91	19
ROOSEVELT	Justice - Wolf Point	218	55	91	3	46	3
	Justice - Culbertson	470	0	289	15	4	91
	City - Wolf Point	1	125	6	0	6	35
	City - Poplar	0	27	3	0	4	3
	City - Culbertson	0	0	56	0	1	0
	SUBTOTAL	689	207	445	18	61	132
ROSEBUD	Justice - Forsyth	655	0	80	15	31	7
	Justice - Colstrip	580	0	379	21	33	19
	City - Forsyth	0	0	130	0	0	23
	SUBTOTAL	1,235	0	589	36	64	49
SANDERS	Justice - Thompson Falls	665	35	465	57	88	5
	City - Thompson Falls	0	229	0	0	0	0
	City - Plains	0	284	0	0	0	0
	City - Hot Springs	0	94	0	0	2	0
	SUBTOTAL	665	642	465	57	90	5
SHERIDAN	Justice - Plentywood/Westby	258	0	100	33	32	16
	City - Plentywood	0	122	0	0	0	0
	SUBTOTAL	258	122	100	33	32	16
SILVER BOW	Justice - Butte	1,257	0	1	29	162	311
	Justice - Butte	1,325	0	8	27	127	358
	City - Butte	0	0	4,095	0	1,068	2
	SUBTOTAL	2,582	0	4,704	56	1,357	671
STILLWATER	Justice - Columbus	915	12	511	135	41	17
	City - Columbus	3	308	10	0	0	20
	SUBTOTAL	918	320	521	135	41	37
SWEET GRASS	Justice - Big Timber	1,010	0	126	37	36	3
	City - Big Timber	19	0	65	0	0	16
	SUBTOTAL	1,029	0	191	37	36	19
TETON	Justice - Chouteau	254	0	141	68	35	404
	City - Chouteau	0	146	0	0	1	0
	City - Dutton	0	0	0	0	0	0
	City - Fairfield	0	0	0	0	0	0
	SUBTOTAL	254	146	141	68	36	404
TOOLE	Justice - Shelby	873	0	494	19	92	188
	City - Shelby	0	202	0	0	9	2
	SUBTOTAL	873	202	494	19	101	190
TREASURE	Justice - Hysham	426	0	258	18	0	1
	City - Hysham	0	41	0	0	0	0
	SUBTOTAL	426	41	258	18	0	1
VALLEY	Justice - Glasgow#	0	0	0	0	0	0
	City - Glasgow	0	460	0	0	5	0
	City - Nashua	0	18	0	0	0	0
	City - Fort Peck	0	15	0	0	0	0
	SUBTOTAL	0	493	0	0	5	0
WHEATLAND	Justice - Harlowtown	230	0	122	38	21	4
	City - Harlowtown	0	0	139	0	5	0
	SUBTOTAL	230	0	261	38	26	4
WIBAUX	Justice - Wibaux	139	0	57	53	2	119
	City - Wibaux	0	0	89	0	0	36
	SUBTOTAL	139	0	146	53	2	155
YELLOWSTONE	Justice - Laurel	2,799	0	1,569	97	791	28
	Justice - Billings	3,284	0	1,075	127	732	13
	City - Laurel	0	1,528	0	0	0	0
	Municipal - Billings	0	22,168	0	0	0	491
	SUBTOTAL	6,083	23,696	2,644	224	1,523	532
TOTALS		66,468	95,777	37,547	10,817	19,326	17,612

*Reported case load data for 11 of 12 months
 **Reported case load data for 10 of 12 months
 #Did not report

Civil caseloads for individual courts are presented in Table 18, arranged by general category and by county. Note that most courts reported no or very few civil cases in 1998.

- Thirty-six percent of courts reported any landlord/tenant cases. Only eight of those courts processed as many as one such case a week on average, and none processed an average as large as one per day;
- Only 38 percent of reporting courts processed credit agency debt cases. Only 31 of those courts processed as many as one such case a week on average, and five courts reported an average of at least one such case a day;
- Just over 57 percent of reporting courts processed an order of protection case, but only 15 courts reported an average of at least one such case a week. The busiest court in this respect dealt with an average of less than one such case a day;
- About one-third of reporting courts processed contract cases; 16 percent processed tort cases. Only nine courts reported an average of as many as one contract case a week, and none of the courts reported an average tort caseload as large as one a week;
- Unlike most other reported caseloads, the largest civil case counts were not limited to the courts in the largest cities. Several courts from Montana's smaller cities appear in the list of the ten busiest courts in civil cases.

1998 Annual Report of the Montana Judiciary

TABLE 18
REPORTED 1998 CIVIL CASES
BY COUNTY

COUNTY	COURT	LANDLORD/ TENANT	CREDIT AGENCY DEBT	ORDERS OF PROTECTION	CONTRACT	TORT	OTHER
BEAVERHEAD	Justice - Dillon	12	126	9	10	1	5
	City - Dillon	0	0	0	0	0	0
	Both - Lima	0	0	0	0	0	0
	SUBTOTAL	12	126	9	10	1	5
BIGHORN	Justice - Hardin	0	65	52	0	0	0
	Hardin City	0	0	0	0	0	0
	SUBTOTAL	0	65	52	0	0	0
BLAINE	Justice - Chinook*	0	13	18	5	0	6
	Justice - Harlem*	2	1	2	1	0	0
	City - Harlem	0	0	1	0	0	0
	City - Chinook	1	0	1	0	0	0
	SUBTOTAL	3	14	25	6	0	6
BROADWATER	Justice - Townsend	2	46	4	5	2	2
	City - Townsend	0	0	4	0	0	0
	SUBTOTAL	2	46	8	5	2	2
CARBON	Justice - Red Lodge	11	97	17	10	0	6
	Justice - Bridger	0	1	4	0	0	1
	City - Red Lodge	0	0	2	0	0	0
	City - Joliet	0	0	0	0	0	0
	City - Fromberg*	0	0	0	0	0	0
	City - Bridger	0	0	0	0	0	0
	SUBTOTAL	11	99	23	10	0	7
CARTER	Justice - Alzada**	0	7	0	2	0	0
	City - Ekalaka**	0	0	0	1	0	0
	SUBTOTAL	0	7	0	3	0	0
CASCADE	Justice - Great Falls	260	2,094	88	52	20	18
	City - Belt	0	0	0	0	0	0
	Municipal - Great Falls	28	0	355	0	0	57
	City - Cascade	0	0	1	0	0	0
	SUBTOTAL	288	2,094	444	52	20	75
CHOUTEAU	Justice - Big Sandy*	0	1	1	0	0	2
	Justice - Fort Benton	0	23	2	1	0	1
	City - Big Sandy	0	0	0	0	0	0
	City - Fort Benton	0	0	0	0	0	0
	SUBTOTAL	0	24	3	1	0	3
CUSTER	Justice - Miles City	52	67	19	17	8	23
	City - Miles City	0	29	41	0	0	0
	SUBTOTAL	52	96	60	17	8	23
DANIELS	Justice - Scobey	0	4	4	14	0	1
	City - Scobey	0	0	0	0	0	0
	SUBTOTAL	0	4	4	14	0	1
DAWSON	Justice - Glendive	5	55	27	4	2	2
	City - Glendive	0	0	16	0	0	0
	SUBTOTAL	5	55	43	4	2	2
DEER LODGE	Both - Anaconda	14	112	55	25	34	2
	SUBTOTAL	14	112	55	25	34	2
FALLON	Justice - Baker	0	21	12	0	0	0
	City - Baker	0	0	0	0	0	0
	SUBTOTAL	0	21	12	0	0	0
FERGUS	Justice - Lewistown	9	106	45	10	11	7
	Justice - Lewistown	3	50	13	0	0	24
	City - Lewistown	0	0	0	0	0	0
	City - Lewistown	0	0	0	0	0	0
	SUBTOTAL	12	156	58	10	11	31
FLATHEAD	Justice - Kalispell	0	0	147	0	0	0
	Municipal - Kalispell	1	0	52	2	2	0
	City - Whitefish	0	0	3	0	0	0
	City - Columbia Falls	1	0	4	0	0	15
	SUBTOTAL	2	0	206	2	2	15
GALLATIN	Justice - Bozeman	125	539	30	138	23	213
	City - W. Yellowstone	1	0	9	0	0	23
	City - Bozeman	1	0	16	0	0	102
	City - Three Forks	0	0	0	0	0	0
	City - Belgrade	0	0	0	0	0	1
	City - Manhattan	0	0	0	0	0	0
	SUBTOTAL	127	539	55	138	23	339
GARFIELD	Justice - Jordan	0	5	2	0	0	17
	SUBTOTAL	0	5	2	0	0	17
GLACIER	Justice - Cut Bank	5	61	14	24	1	4
	City - Cut Bank	0	0	0	0	0	0
	SUBTOTAL	5	61	14	24	1	4
GOLDEN VALLEY	Justice - RyeGate#	0	0	0	0	0	0
	City - Laramie#	0	0	0	0	0	0
	SUBTOTAL	0	0	0	0	0	0
GRANITE	Justice - Philipsburg	2	22	13	18	0	0
	Justice - Drummond	0	7	3	8	0	1
	City - Drummond	0	0	0	0	0	0
	City - Philipsburg	0	0	0	0	0	0
	SUBTOTAL	2	29	16	26	0	1

TABLE 18 - CONT
REPORTED 1998 CIVIL CASES
BY COUNTY

COUNTY	COURT	LANDLORD/ TENANT	CREDIT AGENCY DEBT	ORDERS OF PROTECTION	CONTRACT	TORT	OTHER
HILL	Justice - Havre	27	301	29	30	15	3
	City - Havre	2	0	27	2	0	2
	SUBTOTAL	29	301	56	32	15	5
JEFFERSON	Justice - Boulder	9	68	22	15	0	8
	City - Boulder	0	0	0	0	0	0
	City - Whitehall	0	0	0	0	0	0
	SUBTOTAL	9	68	22	15	0	8
JUDITH BASIN	Justice - Stanford	2	9	2	3	0	0
	Justice - Hobson	0	0	3	0	1	0
	SUBTOTAL	2	9	5	3	1	0
LAKE	Justice - Polson	47	167	44	72	0	73
	City - Polson	4	0	11	1	0	1
	City - St. Ignatus	0	1	1	1	0	1
	City - Ronan	0	1	0	2	0	0
	SUBTOTAL	51	169	56	76	0	75
LEWIS&CLARK	Justice - Jewell	80	906	132	113	0	41
	City - Helena	0	0	57	0	0	20
	City - East Helena*	0	0	0	0	0	0
	SUBTOTAL	80	906	189	113	0	61
LIBERTY	Both - Chester	0	11	2	0	0	0
LINCOLN	Justice - Libby	27	100	152	111	1	0
	Justice - Eureka	6	72	26	13	2	9
	City - Libby*	0	0	0	0	0	0
	City - Eureka	0	0	1	0	0	1
	City - Troy	0	0	11	0	0	0
	SUBTOTAL	33	172	190	124	3	10
MADISON	Justice - Virginia City	1	20	17	17	2	1
	City - Ennis	3	0	1	7	0	17
	SUBTOTAL	4	20	18	24	2	18
MCCONE	Justice - Circle	1	2	2	0	0	1
	City - Circle	0	0	1	0	0	0
	SUBTOTAL	1	2	3	0	0	1
MEAGHER	Justice - WSS	1	6	0	8	0	3
	City - WSS	0	0	0	0	0	0
	SUBTOTAL	1	6	0	8	0	3
MINERAL	Justice - Superior	14	60	12	21	0	0
	City - Alberton#	0	0	0	0	0	0
	City - Superior	0	0	4	0	0	0
	SUBTOTAL	14	60	16	21	0	0
MISSOULA	Justice - Missoula	0	0	0	0	0	0
	Justice - Missoula	0	0	0	0	0	0
	Municipal - Missoula	11	1,422	330	2	0	1
	SUBTOTAL	11	1,422	330	2	0	1
MUSSELSHELL	Justice - Roundup	9	52	21	7	7	1
	City - Melstone	0	0	0	0	0	0
	City - Roundup	0	0	0	0	0	0
	SUBTOTAL	9	52	21	7	7	1
PARK	Justice - Livingston	54	123	8	89	42	10
	City - Livingston	0	0	28	0	0	1
	SUBTOTAL	54	123	36	89	42	11
PETROLEUM	Justice - Winnett	0	0	1	2	0	0
	City - Winnett	0	0	0	0	0	0
	SUBTOTAL	0	0	1	2	0	0
PHILLIPS	Justice - Malta	3	70	4	0	0	4
	City - Malta	0	0	0	0	0	0
	SUBTOTAL	3	70	4	0	0	4
PONDERA	Justice - Conrad	15	47	11	55	0	0
	City - Conrad/Valer	0	0	1	1	0	0
	SUBTOTAL	15	47	12	56	0	0
POWDER RIVER	Justice - Broadus	3	6	8	2	2	2
	City - Broadus	0	0	0	0	1	0
	SUBTOTAL	3	6	8	2	3	2
POWELL	Justice - Deer Lodge	13	159	21	0	0	2
	City - Deer Lodge	0	0	0	0	0	0
	SUBTOTAL	13	159	21	0	0	2
PRAIRIE	Justice - Terry	0	10	1	1	0	1
	City - Terry*	0	0	0	0	0	0
	SUBTOTAL	0	10	1	1	0	1
RAVALLI	Justice - Hamilton	40	357	21	0	0	47
	Justice - Hamilton	45	355	99	0	0	19
	City - Pinesdale#	0	0	0	0	0	0
	City - Hamilton	0	0	26	0	0	2
	City - Stevensville	0	0	0	0	0	0
	City - Darby	0	0	10	0	0	0
	SUBTOTAL	85	712	156	0	0	68

TABLE 18 - CONT.
REPORTED 1998 CIVIL CASES
BY COUNTY

COUNTY	COURT	LANDLORD/ TENANT	CREDIT AGENCY DEBT	ORDERS OF PROTECTION	CONTRACT	TORT	OTHER
RICHLAND	Justice - Sidney	6	157	14	7	0	54
	City - Fairview	0	0	3	0	10	49
	City - Sidney	0	0	0	0	0	1
	SUBTOTAL	6	157	17	7	10	104
ROOSEVELT	Justice - Wolf Point	4	21	22	22	8	3
	Justice - Culbertson	0	0	0	0	0	39
	City - Wolf Point	0	0	0	0	0	0
	City - Poplar	0	0	0	0	0	0
	City - Culbertson	0	0	0	0	0	45
	SUBTOTAL	4	21	22	22	8	87
ROSEBUD	Justice - Forsyth	1	61	27	5	0	1
	Justice - Colstrip	3	2	20	2	0	1
	City - Forsyth	0	0	0	0	0	0
	SUBTOTAL	4	63	47	7	0	2
SANDERS	Justice - Thompson Falls	22	94	58	37	11	0
	City - Thompson Falls	0	0	0	0	0	0
	City - Plains	0	0	0	0	0	0
	City - Hot Springs	0	0	0	0	0	0
	SUBTOTAL	22	94	58	37	11	0
SHERIDAN	Justice - Plentywood Westby	1	21	1	0	9	0
	City - Plentywood	0	0	1	0	0	0
	SUBTOTAL	1	21	2	0	9	0
SILVER BOW	Justice - Butte	56	351	44	31	22	1,611
	Justice - Butte	64	388	44	70	15	735
	City - Butte	1	0	0	0	0	0
	SUBTOTAL	121	739	88	101	37	2,346
STILLWATER	Justice - Columbus	5	90	55	9	18	11
	City - Columbus	0	0	0	0	0	0
	SUBTOTAL	5	90	55	9	18	11
SWEET GRASS	Justice - Big Timber	8	10	3	18	0	10
	City - Big Timber	8	0	0	0	0	0
	SUBTOTAL	8	10	3	18	0	10
TETON	Justice - Chouteau	1	70	5	1	0	0
	City - Chouteau	0	0	0	0	0	0
	City - Dunton	0	0	0	0	0	0
	City - Fairfield	0	0	0	0	0	0
	SUBTOTAL	1	70	5	1	0	0
TOOLE	Justice - Shelby	1	0	7	87	0	0
	City - Shelby	0	0	0	0	0	0
	SUBTOTAL	1	0	7	87	0	0
TREASURE	Justice - Hysham	0	6	1	0	0	1
	City - Hysham	0	0	0	0	0	0
	SUBTOTAL	0	6	1	0	0	1
VALLEY	Justice - Glasgow#	0	0	0	0	0	0
	City - Glasgow	0	0	14	0	0	1
	City - Nashua	0	0	0	0	0	0
	City - Ft. Peck	0	0	0	0	0	0
WHEATLAND	Justice - Harlowtown	0	0	0	8	0	0
	City - Harlowtown	0	0	0	0	0	0
	SUBTOTAL	0	0	0	8	0	0
WIBAUX	Justice - Wibaux	0	0	0	11	0	0
	City - Wibaux	0	0	0	0	0	0
	SUBTOTAL	0	0	0	11	0	0
YELLOWSTONE	Justice - Laurel	318	0	138	0	0	2,143
	Justice - Billings	256	0	183	0	0	2,241
	City - Laurel	1	0	25	0	0	0
	Municipal - Billings	0	0	7	0	0	0
	SUBTOTAL	575	0	353	0	0	4,384
TOTALS		1,700	9,149	2,908	1,230	270	7,738

*Reported caseload for 11 of 12 months

**Reported caseload for 10 of 12 months

#Did not report

Special Jurisdiction Courts

Water Court

Montana's Water Court was created by the 1979 Legislature in response to concerns that the existing program of water adjudications established under the 1973 Water Use Act, would take one hundred years to complete. The legislature created the Water Court to expedite and facilitate the adjudication of water rights that were in existence in 1973. The Water Court has exclusive jurisdiction to interpret and determine existing water rights.

The four major water divisions are: the Yellowstone River Basin, the Lower Missouri River Basin, the Upper Missouri River Basin, and the Clark Fork River Basin.

The Chief Water Judge serves a four-year term and is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nomination Commission. Water judges are designated for each of the four water divisions by a majority vote of a committee comprised of the District Judge from each single-judge district and the Chief District Judge from each multiple-judge district.

Funding for the Water Court is derived from special revenue sources which include coal tax money, resource indemnity trust money, and various other sources of bond and income revenues.

The adjudication of federal reserved water rights is suspended until July 1, 2005, while the State of Montana and the federal and tribal authorities negotiate reserved water right compacts. Six compacts have been negotiated and ratified by the Montana Legislature. Of these six, one has been approved by the court, two have pending objections, and the remainder have not yet been submitted for court approval.

Workers' Compensation Court

The Forty-Fourth Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975, to provide an efficient and effective forum for the resolution of disputes between insurers/employers and injured workers, and/or workers disabled as a result of an occupational disease. The Court has exclusive jurisdiction over many issues arising under the Workers' Compensation Act, § 39-71-101, MCA, et seq., and the Occupational Disease Act, § 39-72-101, MCA, et seq. It conducts trials in matters over which it has original jurisdiction. The Court is also responsible for the judicial review of final orders appealed from the Department of Labor and Industry under the two Acts. All decisions of the Court are appealable directly to the Montana Supreme Court.

The Workers' Compensation Judge serves a six-year term and is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. The Court is attached to the Department of Labor and Industry for administrative purposes only.

All proceedings and hearings before the court are governed by the appropriate provisions of the Montana Administrative Procedure Act. The Court is bound by common law and the statutory rules of evidence. The rules of the Court can be found in the Administrative Rules of Montana (ARM) at 24.5.301 et seq.

The Workers' Compensation Court conducts pretrials and trials in Billings, Great Falls, Missoula, Butte, Kalispell and Helena four times each year. The Court issues findings of fact, conclusions of law and judgments in those matters which go to trial and issues orders on appeal following a judicial review of appeals from the Department of Labor and Industry.

In fiscal year 1998, the Workers' Compensation Court received 235 petitions/appeals. It conducted 61 trials which varied from matters which required two to three days to those which consisted of a conference with counsel, or an oral argument. There were 12 settlement conferences conducted, with 11 of those matters being resolved. The Judge issued a total of 125 decisions, of which 45 were findings and conclusions, nine were orders on appeal, 52 related to substantive issues and the remainder were attorney fees, costs and other issues which were disposed of by bench ruling or conference with counsel.

Associations of Court Personnel

Montana Judges Association

The Montana Judges Association was established to promote and foster the court system and the laws of the State of Montana; to promote and foster the continued education of judges; and, to provide a forum for the exchange of ideas and information useful to judges. Membership of the Association consists of currently serving Supreme Court Justices and District Court Judges. Retired Supreme Court Justices and District Court Judges are included as associate members. The Association meets twice each year. Members receive continuing legal education credits for two seminars presented at the meetings.

Officers of the Montana Judges Association for the term of October 1998 through September 1999 are:

President:	John Warner	4th Judicial District Judge
Vice President:	Ted Mizner	12th Judicial District Judge
Secretary:	Ed McLean	3rd Judicial District Judge
Treasurer:	Jim Regnier	Supreme Court Justice

East Representative:	John McKeon
West Representative:	Katherine Curtis
Supreme Court Representative:	William Hunt

Montana Magistrates Association

The Montana Magistrates Association (MMA) is comprised of the Justices of the Peace, City Court Judges, and Municipal Court Judges in the State. The Association meets annually at the Fall Judicial Education Conference and has district meetings in each district on a regular basis. The MMA works closely with the Supreme Court Commission on Courts of Limited Jurisdiction to ensure that all judges perform their duties in a professional and knowledgeable manner.

1998-1999 Officers of the Montana Magistrates Association are:

President:	Johnny Seiffert	Red Lodge
Western Vice President:	Terry J. McGillis	Deer Lodge
Central Vice President:	Marilyn Kober	Columbus
Easter Vice President:	Peggy Jones	Broadus
Secretary:	Joan A. Eliel	Dillon
Treasurer:	Violet M. Schiffer	Forsyth
Parliamentarian:	Neil M. Travis	Livingston

Montana Association of Clerks of the District Court

The Montana Association of Clerks of District Court (MACDC) convened in Lewistown on May 14-15, 1965, for an organizational meeting and has met annually since that time. Dillon hosted the 33rd annual convention and school in June of 1998.

The goal of the association is to constantly improve the performance of the clerks through shared knowledge and information.

1998-1999 officers are:

President:	Carole Carey	Carter County
1st Vice President:	Nancy Sweeney	Lewis and Clark County
2nd Vice President:	Jean Thompson	Yellowstone County
Secretary:	Peg Allison	Flathead County
Treasurer:	Emile Kimmet	Teton County

State Law Library

The State Law Library, by statute, is to maintain an adequate legal collection and services to fulfill the needs of the Supreme Court, the Legislature, state officers and employees, members of the Bar, and the general public (MCA 22-1-501 et seq.). The Justices of the Montana Supreme Court serve as the Library's Board of Trustees. A small Library Committee works with the Director (the State Law Librarian), to establish appropriate policies. This year, that Committee included Justices Gray, Regnier, and Triewelier. Supreme Court Administrator, Patrick Chenovick, serves ex officio on the Committee.

This year the Library added an Electronic Services Librarian to the professional staff. She has helped the library with its goal of expanding the walls of its physical presence. The Law Library's Internet outreach expanded considerably this year, with both more content and more links to other legal sites provided. Statewide contracts were negotiated with legal database vendors, which offered very affordable online legal research access to state agency attorneys, district court judges, and county attorneys around Montana.

The more traditional ways of providing information were continued with some increasing. The number of requests for fax transmissions has risen 57 percent over the past four years. Although the number of people

physically in the Law Library is still quite high at 18,669 for the year, that number has declined by 15 percent since 1994. This is to be expected, as the staff has been striving to make the Library's resources more available on the customers' desktops. Reference requests answered equaled 3,700. The staff shelved 17,309 books, and filed 7,966 pieces of microfiche. The number of books checked out remains fairly constant, at 4,500 to 5,000 per year.

This year the Law Library initiated and administered a successful new program - the Pro Bono Legal Clinic. A reference librarian serves to coordinate interviews for low-income people in need of assistance with family law matters with state agency attorneys. The Clinic is held in the Law Library, and provides relief to those who cannot afford legal counsel, but have legal needs that are greater than what the Law Librarians can provide.

State Law Librarian, Judy Meadows, served as President of the 5,000-member American Association of Law Libraries in 1998, which provided considerable exposure of Montana's people and extraordinary attributes to many national and international groups. She is pleased to have completed her term of office successfully, and to return her attentions to managing Montana's only complete law library.

State Bar of Montana

The State Bar of Montana was created by order of the Montana Supreme Court in January 1974. In its order, the Court provided that all persons practicing law in the state were obligated to be members of the State Bar. Prior to that date, the State had a voluntary bar association, the Montana Bar Association.

The purposes of the State Bar are to aid the courts in maintaining and improving the administration of justice; to foster, maintain, and require on the part of attorneys, high standards of integrity, learning, competence, public service and conduct; to safeguard proper professional interests of members of the Bar; to encourage the formation and activities of local bar associations; to provide a forum for discussion and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public; to provide for continuing legal education of members of the Bar; and, to insure that the responsibilities of the legal profession to the public are effectively discharged.

The State Bar is governed by a twenty-member Board of Trustees. Sixteen members of the board are elected by the active members of the Bar to two-year terms from State Bar areas. State Bar areas are made up of one or several judicial districts. The other four Board members are the President and President-Elect, who are elected statewide to one-year terms, the Secretary-Treasurer, who is elected statewide to a two-year term, and the Immediate Past President. The current president of the State Bar is Brent R. Cromley of Billings, Montana.

Major activities and programs of the State Bar include:

- A program of mandatory continuing legal education, requiring active members of the State Bar to secure fifteen hours of continuing legal education each year.
- A lawyers' fund for client protection which makes restitution in cases where an attorney has improperly appropriated client funds. Twenty dollars of each active member's dues are earmarked for this program. From its inception through October 31, 1996, more than

\$400,000 in restitution has been paid by the fund.

- A lawyer referral service, which allows members of the public to identify a lawyer who can help them with their particular legal problem. The service receives about 5,000 calls and makes approximately 3,500 referrals each year.
- A fee arbitration program to settle fee disputes between an attorney and a client, short of litigation.
- Publication of information pamphlets for the general public on a wide variety of legal subjects, including marriage and divorce, landlord-tenant law, small claims court, rights of clients, will and probate.
- Character and fitness reviews to determine if the applicants for admission to the State Bar possess the necessary traits of character and fitness for the practice of law.
- Provision of direct financial support for legal services to the poor through the Montana Law Foundation.
- A variety of services to its members, including continuing legal education seminars, practice manuals, and ethics opinions.

State Bar membership totaled 3,696 on January 19, 1999. Of this number, 2,759 were in-state members and 937 were out-of-state members. Of the same total, 3,001 were active members, 580 were inactive members, 106 had judicial status, and 9 had veteran status.

Annual dues are \$120 for active members and \$50 for inactive members. Judicial members do not pay dues while serving on the bench. (These assessments are in addition to the statutorily mandated \$25 paid for lawyer license fee.) Dues income constitutes the major source of income to the State Bar. Other revenue sources include income from State Bar continuing legal education programs and the sale of publications.

University of Montana School of Law

The University of Montana School of Law, founded in 1911, is the oldest professional school at the University of Montana. The founding of the Law School was made possible by a gift from the widow of William Wirt Dixon, a well-known and respected Montana lawyer. Mrs. Dixon's gift spurred the Legislature to enact a bill establishing the Department of Law.

From an enrollment of seventeen in the first year of its existence, the School of Law rapidly grew until 1970 when the law faculty voted to cap admission to the first year program at 75 students. Since 1970, the number of applications to the Law School has far exceeded the number of positions available in the first year class. In 1998, four-hundred eight applicants applied for the 75 available positions in the first year class. Only Montana residents are eligible for the first 50 of the 75 seats.

The first female student was admitted to the Law School in 1913; female students now comprise 40 percent of the Law School's student population. Women also make up 35 percent of the faculty.

Minority students accounted for approximately 10 percent of first-year students in 1998. Over one-half of these minority students are Native Americans. The Law School is committed to a strong Indian Law Program. In addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides students with the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

Although the Law School ranks as one of the smallest American Bar Association approved law schools in the nation, its student population is diverse. The average age of entering law students is twenty-eight, suggesting that many students enter law school after engaging in other careers.

500 copies of this public document were published at an estimated cost of \$1.80 per copy, for a total cost of \$900.00, which includes \$900.00 for printing and \$.00 for distribution.